

"What it does is it shames her after she's already made the decision into making another decision and to me that is something we should not be legislating," he said. "This is a decision that should be made by that woman, her family, her faith-based leader and the people that she trusts the most - not a bunch of legislators sitting around in Columbus."

Planned Parenthood Advocates of Ohio also criticized the measure, which supporters have suggested will ensure the safe collection and disposal of fetal tissues.

"This bill has nothing to do with patient safety. There are already laws in place that require safe tissue disposal and Planned Parenthood follows them," the group's President and CEO Iris E. Harvey said in a statement. "This is just a smaller part of a coordinated attempt by anti-abortion politicians to place additional restrictions on medical providers in an effort to eliminate access to safe, legal abortion."

Ohio Right to Life, meanwhile, applauded the bill's passage.

"With careful attention to detail and sincere compassion for all victims of abortion, the Ohio Senate is leading the state's efforts to recognize and respect the dignity of every human person," said Kayla Atchison, ORTL's director of external affairs. "While we know there is nothing dignified in the act of abortion itself, we believe that this legislation is necessary for ensuring respect for the dignity of abortion's victims."

There was also pushback from Democrats on a measure that sets standards for pet stores ([SB 331](#)).

The bill, which was drafted response to local ordinances in Grove City and Toledo that have effectively blocked Petland from doing business, would require the stores to purchase dogs only from registered breeders or shelters.

Sen. Bob Peterson (R-Sabina) said the bill is an improvement over a hasty amendment on the topic that was recently added to and then removed from a general tax update measure ([HB 166](#)). (See Gongwer Ohio Report, [May 16, 2016](#))

"We have taken those responses to heart and incorporated them into the bill that is before you today," he said, referring to the slew of animal rights advocates and municipalities touting home rule that spoke out against the proposal.

The sponsor said the measure is necessary because there currently aren't any regulations on the pet store industry.

"Without pet stores, families are forced to go online in a completely unregulated place. A regulated pet store is better than the unregulated internet," Sen. Peterson said.

Democrats continued to have concerns about the bill preempting city ordinances that are already on the books. Sen. Charleta B. Tavares (D-Columbus) offered an amendment that would allow municipalities to set their own standards.

The failed attempt to insert such language in the bill was a repeat of committee when the same proposal was also tabled. (*See Senate Finance Committee listing*)

In addition to objections over preemption, Democrats also raised concerns that the bill would eliminate prohibitions on out-of-state residents from becoming licensed breeders in Ohio if they've previously been convicted of various animal cruelty or domestic violence offenses.

Sen. Michael Skindell (D-Lakewood) said he's concerned about the implications of the fast-tracked bill's language.

"This bill went through committee in about a 24-hour time frame here with very little proper analysis," he said. "It is riddled with loopholes."

The lengthy session marked the last before summer break. While it's typical for lawmakers not to return to Columbus until after Election Day, Senate President Keith Faber (R-Celina) said he hasn't ruled out the possibility of scheduling sessions as early as September.

The Senate also passed measures that would:

- Expunge the records of individuals who were not found guilty of an offense because they were victims of human trafficking and authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (SB 284).
- Revise a range of laws regarding the regulation of drugs, the practice of pharmacy, and the provision of addiction services. (SB 319).

Members also sent to the House for concurrence bills that would:

- Revise the law governing the creation and operation of joint economic development districts (HB 182).
- Authorize a county, township, or municipal corporation to impose a 9-1-1 system levy in only the portion of the subdivision that would be served by the 9-1-1 system and to declare an emergency (HB 277).
- Increase the amount of liquor that an A-3a liquor permit holder may annually manufacture and allow an A-3a permit holder to obtain an A-1-A liquor permit (HB 351).
- Exempt the sale of natural gas by a municipal gas company from the sales and use tax (HB 390).

**Subscribers Note:** Full Lists of both chambers' actions Wednesday may be found in the *Gongwer News Service House and Senate Activity Reports*.

Budget Update Measure Clears Legislature With Language On UC Debt, CIIC, Foreclosures, Library Bonds, Other Provisions Sought By OBM

The legislative vehicle of choice for dozens of 11<sup>th</sup>-hour law changes ahead of summer recess passed through both chambers Wednesday following hours of delays prompted in part by efforts to oust the director of the General Assembly panel that inspects state prisons.

The changes to a municipal utility tax exemption measure (HB 390) include previously announced provisions dealing with the state's unemployment compensation debt, expanded bonding authority for libraries, and the doubling to \$40 million a year for the film production tax credit program. (See Gongwer Ohio Report, May 24, 2016).

The Senate Ways and Means Committee attached several more riders to the measure Wednesday morning, essentially folding a complete budget update package (HB 547) into the bill. (Senate GOP Synopsis)

Several hours later in the day, which was a marathon of lawmaking in both chambers (*see separate stories*), the panel reconvened to adopt a couple more provisions. Those included industry-backed language regarding unitization, the process by which oil and gas companies can assemble multiple parcels of land into drilling unit to comply with minimum spacing requirements surrounding a well.

That amendment, offered by Sen. Troy Balderson (R-Zanesville), would require the Department of Natural Resources to process, within 45 days, all pending unitization applications involving Department of Transportation property.

**Inspection Panel Dustup:** Prior plans to replace the Correctional Institutions Inspection Committee with a new oversight panel that has no authority over private prisons and restricted purview to inspect state facilities prompted the most reaction earlier in the day. Several groups, including the Ohio Civil Service Employees

Association, ACLU of Ohio, Disability Rights Ohio and the Ohio Justice & Policy Center expressed strong opposition.

But after a few hours of negotiations, majority Republicans agreed to maintain much of the current CIIC makeup with one exception, and with the understanding that Executive Director Joanna Saul will resign.

If not, a statutory change added to the bill, according to the GOP, gives the chairman of the legislative panel more authority over personnel, including the ability to fire the director should the committee be deadlocked on the issue.

Ms. Saul has had some conflicts with lawmakers and survived a bid by former Sen. Shirley Smith, a Cleveland Democrat, to fire her a couple years ago. Already on thin ice, the director enraged officials further on Tuesday, when she penned an open letter to lawmakers attributing the move to scuttle the panel to her attempts at gathering information on the medical and mental health of inmates.

"Please do not take a legislative committee with 40 years of history and scrap it in less than 24 hours," she wrote, adding that CIIC was not informed of the plans prior to their unveiling on Tuesday in the House Finance Committee.

"The version of the committee that has been pushed through is not a 'redefining,' but effectively suspends inspections altogether," Ms. Saul wrote.

Earlier on Wednesday, Sen. Charleta B. Tavares (D-Columbus) and Sen. Sandra Williams (D-Cleveland) also objected to the more drastic CIIC changes during the Senate committee's deliberations.

Sen. Tavares said she has "stacks and stacks of letters" in her office with complaints about the prison system and CIIC is being "stonewalled" by the Department of Rehabilitation and Correction in regard to information on inmates.

"This is unconscionable," she said. "They are human beings whether they are incarcerated or not."

DRC said in response that it couldn't provide some of the information sought by CIIC.

"We have always and will always comply with regulatory oversight panels in a transparent manner consistent with state and federal privacy laws. How the legislature wishes to structure that oversight is their purview," agency spokeswoman JoEllen Smith said in an email.

"DRC is not permitted to provide access to inmate medical records to the CIIC or any other person or organization not authorized by current Ohio law."

Another big concern for Democrats is that CIIC is one of the few, if not the only, legislative panels that is evenly divided among the parties. Under the agreement reached Wednesday afternoon, that setup will remain intact.

Ms. Saul could not be reached for comment and lawmakers had not received her resignation notice by the time the committee adopted the last CIIC-related amendment past 9 p.m. - after waiting for a while to no avail for her letter to arrive.

Senate President Keith Faber (R-Celina) said the director "has a history of being grossly insubordinate."

"We're a member-driven organization; we're not a staff-driven organization and from that perspective on two separate occasions she has been insubordinate to her chairman both with former Sen. Smith and now with Sen. (Cliff) Hite where she has refused to follow instructions and operated under her own plan," he told reporters during a session break.

Later in the evening, Sen. Hite "postponed indefinitely" the CIIC meeting planned for Thursday.

**Other Provisions:** The other substantive amendment added to the bill late in the day entails language on foreclosures similar to language in House measures (HB 134 & HB 463). The provisions are aimed at foreclosing mortgages on vacant and abandoned residential properties and expediting the foreclosure and transfer of unoccupied, blighted parcels.

New authority for library bonds in the substitute bill allows the entities to seek voter approval of property tax issues to finance facilities. Currently, libraries may only use proceeds from the Local Library Fund to retire such debt, and property tax levies are limited to covering operational costs.

Another key provision in the revised bill was expanded on in the Senate committee Wednesday morning by Office of Budget and Management Director Tim Keen. (Director's testimony.)

The plan to pay off the state's unemployment compensation debt to the federal government entails the use of unclaimed funds to cover the remaining deficit later this summer, which by then is estimated to be between \$225-250 million.

The state currently holds about \$2.5 billion in unclaimed funds, according to the Department of Commerce.

Mr. Keen said employers face a federal penalty if the state does not pay off the UC debt incurred during the Great Recession by Nov. 10. While a one-time surcharge on employers will be used to pay back the no-interest unclaimed funds loan, the hit to employers would be a total of \$200-\$300 million less than what they face with the federal penalty, he explained.

Business groups, including NFIB/Ohio, Ohio Chamber of Commerce, Ohio Council of Retail Merchants, Ohio Farm Bureau, and Ohio Manufacturers' Association, are supportive of the language because it will ultimately save employers money.

"Passage of the bill is critical to ensure Ohio's employers are protected against potential escalating FUTA penalties, while at the same time continuing to protect Ohio's employees," the groups said in a joint letter to the House and Senate.

"We appreciate the transparent and collaborative process of the administration and General Assembly in crafting a short term solution to pay off the current debt to the federal government."

The OBM director also briefed the panel on other aspects of the omnibus amendment, some of which was previously contained in House Bill 547, the so-called OBM mid-biennium review bill. (See Gongwer Ohio Report, May 3, 2016)

Prior to the committee's report of the bill, and later on the floor, Democrats proposed an amendment backed by Sen. Lou Gentile (D-Steubenville) to provide tax credits for businesses that hire veterans. It was tabled along party lines.

Committee Chairman Sen. Bob Peterson (R-Sabina) congratulated the sponsors of the original measure, which exempts municipal gas utilities from charging and remitting sales taxes. During breaks from the day-long House session, Rep. Wes Retherford (R-Hamilton) and Rep. Tim Schaffer (R-Lancaster) were fairly constant members of the sizeable audience watching the bill's progress for one reason or another.

Sen. Peterson noted the bill had grown from one issue to contain 45 provisions.

"This is the 2016 budget bill based on its size and weight," he said.

Despite the GOP's rollback of much of the CIIC language, several House Democrats voiced concerns with the changes as well as the process entailed in the passage of the measure as a whole.

Rep. Kevin Boyce (D-Columbus) said that under the final language the CIIC chairman "has two votes." He also objected to a provision allowing the committee to contract with private entities for services.

The language "undermines" the oversight and accountability of the panel, he said, adding that the prison system has been fraught with problems and houses a disproportionate amount of black inmates compared to the state's overall percentage. "This is a travesty. It's disappointing," he said.

After clearing the Senate on a 33-0 vote, the House concurred 69-26 on the bill.

**Tempers Flare:** Rep. Boyce, who was gavelled out of order by Speaker Cliff Rosenberger (R-Clarksville) during his floor speech on the bill, approached the speaker on the dais following the adjournment of session and the two exchanged words.

During the confrontation, Rep. Boyce drew face to face with the speaker, raising his voice. As Rep. Boyce left the dais, Speaker Rosenberger descended to speak to media, saying he gave the Democrat plenty of leeway in his remarks.

"I gave him a lot of latitude as he wanted to go into a tirade," Speaker Rosenberger said. "I gave him enough...so I asked him to confine his remarks in a very appropriate matter, as the chair can do, to the matter at hand.

"But clearly it's not an appropriate thing to come up and act out as he wants to continue to do," he added.

Rep. Boyce in an interview said his floor comments were pertinent to the amendment up for a concurrence vote.

"I think I'm the only person he's gavelled out of order three times," Rep. Boyce said. "I don't know what his issue is with me in gaveling me out of order.... He has no basis - no rule basis - to gavel me out of order.

"I'm not afraid of him, not at all," he said. "He can do what he wants to do, do what he thinks he has to do."

#### General Assembly Wraps Work On Education Bills Requiring CPR Training, Changing GED Structure

Bills that require schools to provide CPR training, create more options for earning a high school equivalency diploma and allot \$318,000 to a financial literacy pilot program are headed to the governor's desk.

The education-related measures were among dozens advanced by the General Assembly Wednesday before heading into summer recess. (*See separate stories*)

Each chamber also took up their own education bills regarding summer meal programs, financial literacy curriculum and the athletic eligibility of private school students.

The CPR bill (HB 113) this week picked up a handful of amendments in the Senate, including one that makes changes to the current GED program. (*See Gongwer Ohio Report, May 24, 2016*)

Under the final version of the measure, which passed the Senate unanimously before receiving an 81-11 concurrence vote in the House, the term GED will be replaced with high school equivalency exam in statute.

The change will allow the state to contract with multiple test vendors, which is required by the bill, said Sen. Peggy Lehner (R-Kettering), chair of the Senate Education Committee. Currently, the state can only contract with Pearson because it purchased the rights to the GED name.

Backed by the Governor's Office of Workforce Transformation, the GED amendment also makes changes to when individuals are eligible to take the exam.

Students ages 16-17 can only obtain high school equivalency certificates if they remain enrolled in high school and can show proof of a 75% attendance rate. Under the amendment, however, students need only provide written permission from a parent, guardian or court.

Among other things, the amended version of the CPR bill allows schools to access their economically disadvantaged funds to pay to recruit graduates of the state's Alternative Principal License program and narrows

the charge of the Joint Education Oversight Committee.

One of the eight amendments also pushed back the implementation of the CPR training in schools to 2017.

On the floor, Sen. Gayle Manning (R-N. Ridgeville) said the bill would add 30 minutes of hands-on CPR and AED training. She said current training provided by schools is purely audio and visual.

"Anyone who's ever taught or been in school or had kids in school, you know hands-on makes a difference," she told colleagues. "This is going to save lives across the state of Ohio."

The General Assembly also endorsed a measure that creates the SmartOhio Financial Literacy Pilot Program at the University of Cincinnati.

The program will offer instruction to Ohio teachers who would like to learn to integrate financial literacy into math and English courses, Sen. Bill Seitz (R-Cincinnati) said.

"If they don't know how to teach financial literacy, (students) won't learn financial literacy," he said.

Earlier in the day, the bill was amended in committee to create a Shared Governance on Co-Located Campuses Task Force that would prepare a report on governance for facilities where a two-year and a four-year college are located on the same or adjacent campuses and present it by Nov. 1.

Other amendments added to the bill would rename the theater in the Riffe Center the Speaker Jo Ann Davidson Theatre and would set up the Ohio Youth Entrepreneurs Program at Youngstown State University.

The Senate on Wednesday also unanimously sent to the House a measure (SB 247) requiring schools to allow summer food programs to use their facilities if the schools do not offer the programs themselves.

"Schools are often the center of neighborhoods and are often convenient locations for children to access," Sen. Edna Brown (D-Toledo), one of the bill's sponsors, said.

School districts would be able to charge a reasonable fee to offset the costs of housing the programs, she said.

Summer meal programs help students who often don't have stable access to healthy food keep from being hungry when school isn't in session, said Sen. Peggy Lehner (R-Kettering), the bill's other sponsor. Ensuring year-round access to meals would help improve classroom performance for these children, she said.

"Unfortunately hunger doesn't go by the school calendar," she said.

Meanwhile, in a pair of 69-16 votes, the House approved its own education-related measures to require economic and financial literacy education in high school as part of social studies curriculum (HB 383) and allow private school students to participate in extracurricular activities at the school district in which the student's nonpublic school is located (HB 441).

"We want simply one thing: for Ohio students to be able to plan for the future and respond confidently and competently to life's events," sponsoring Rep. Christina Hagan (R-Uniontown) said of the financial literacy bill.

But Rep. John Patterson (D-Jefferson) called the measure an unfunded mandate.

"We have to give schools the assistance to train staff and provide for materials," he said.

Republicans, however, objected to that characterization. Rep. Andrew Brenner (R-Powell) said the curriculum is already available through banks and credit unions.

"Financial literacy has to happen in high school," he said. "This is the public body that has oversight of the education system."

On the bill that would allow private students to play sports at a nearby public high school, sponsoring Rep. Rob McColley (R-Napoleon) said it is all about expanding opportunities.

Rep. Teresa Fedor (D-Toledo), however, said the measure will provide private school students with special rights.

"The existing law allows flexibility," she said.

Rep. Fedor also said the measure will lead to recruitment at the high school level.

"School officials do not want a wide open door for athletic recruitment," she said.

#### Lead Notification MBR Heads To Governor

An administration-backed bill to cut down the timeline for notifying the public of lead contamination is heading straight to Gov. John Kasich after the Senate passed the House bill Wednesday evening with no amendments.

The measure (HB 512) cleared the legislature despite concerns and committee debate earlier that day over whether the bill's two-day notification timeline would set local water systems up for failure.

The bill was prompted by lead contamination in Sebring which went undisclosed to residents for more than six months. The bill shortens the notification requirement from 30 days to two, among other changes. (See Gongwer Ohio Report, February 17, 2016)

But some lawmakers - including Sen. Bill Seitz (R-Cincinnati) - bristled at the administration's insistence the bill not be amended in order to avoid slowing it down.

"This is a textbook example of rushing stuff through without adequate vetting and having our administration push this through with no amendments, in a big hurry for some reason I can't frankly fathom," Sen. Seitz said moments before the Senate Energy & Natural Resources Committee reported the bill earlier that day.

On the Senate floor, sponsor Sen. Troy Balderson (R-Zanesville) said "having access to safe drinking water is critical" and that the measure will help accomplish that.

Democratic members agreed the bill has merits, but Minority Leader Joe Schiavoni (D-Boardman) said the legislature's work on the issue isn't finished.

"Even though we are shortening the notification timeframe, we are making some investment in the removal of lead pipes, we need to make that a bigger priority because if you don't have lead pipes you don't have lead poisoning," Sen. Schiavoni said.

He said there is more to be done on the bill and "I don't think Sebring...was an isolated incident, unfortunately."

During testimony, a number of local water systems expressed concern about the feasibility of meeting the two day timeline.

Earlier in the day, the measure drew unanimous approval from members of the Senate committee. But Democrats and Sen. Seitz weren't happy with the administration's insistence that the bill not be amended.

Sen. Seitz came prepared with two amendments, but told colleagues he wouldn't be offering them. He then blasted lawmakers and the administration for "rushing" the bill through the legislative process.

He said many other states, including Michigan and Kentucky, have 30-day notification requirements.

"And we're putting in two days' notice," he said. "I understand 30 days is way too much and so does everybody else. But it strikes me it's going to be very difficult for mass notifications to occur in two days."

He also requested the committee asked EPA Director Craig Butler, who was in attendance, to clarify whether social media and mass communication technology could be used to meet the notification requirements. Chairman Sen. Balderson declined to grant Sen. Seitz's request.

In response, Vice Chairwoman Sen. Shannon Jones (R-Springboro) said witnesses had emphasized the need to act quickly on the issue.

"From the testimony that we heard I think the evidence was pretty overwhelming about the need to be as expeditious as possible in informing the public," Sen. Jones said. "I respectfully disagree with my colleague that it's a failure to vet. We just have a disagreement."

The committee also tabled several amendments offered by Democratic members, including language that would have:

- Ensured mail, telephone, social media and other forms of mass communication can be used to meet notification requirements.
- Given water systems 24 hours to notify the public of lead contamination.
- Moved up the timeline EPA notification timeline from 10 business days to five.
- Required lead service lines to be disclosed in rental agreements or real estate transactions.
- Fostered more coordination between local boards of health and the EPA.

#### Committee Vote On Pay Commission Delayed After Amendment Fails To Materialize

A resolution to establish an outside commission to handle recommending pay raises for elected officials was almost substituted and voted out of a House committee Wednesday in time for an anticipated floor vote that same day.

But at the last minute, after a forthcoming amendment dissolved, the House Government Accountability & Oversight Committee withdrew the substitute version and held off on a vote on the measure (SJR 1).

The resolution, which would create a Public Office Compensation Commission of nine members to propose pay levels for elected officials, is a priority for Senate President Keith Faber (R-Celina). The Senate passed the measure more than a year ago. Wednesday's was the resolution's seventh hearing before the House committee.

A House vote Wednesday could have lined up a quick Senate concurrence vote that same day, clearing the measure's path to the ballot in time for the November election.

"We just want to make sure we dot I's and cross T's with regard to this," said Chairman Rep. Tim Brown (R-Bowling Green), adding that it was never the House's intention to have the measure appear on the ballot this fall.

Rep. Brown last week indicated the measure may not pass both chambers prior to summer break. (See Gongwer Ohio Report, May 18, 2016)

The substitute version the committee nearly adopted - which was originally expected to be adopted May 18 before it was delayed - was put forth by Vice Chair Rep. Louis Blessing (R-Cincinnati) and would have:

- Changed language to reflect the resolution's potential appearance on the 2017 ballot, rather than 2016.
- Retained lawmakers' discretion over the salaries of judges and local officials.
- Downsized the commission from nine members to eight by removing a member that was to be appointed by the Chief Justice.



- Changes the commission from setting "compensation" to setting "salaries and allowances" of the elected officials.

After a two-minute recess for a Democratic conference and a 10 minute-plus period spent "at ease" while Rep. Brown left the room to make phone calls, Rep. Blessing withdrew the substitute at the chair's request.

The committee then promptly adjourned, leaving the resolution still pending before the committee.

Prior to the substitute's withdrawal, Rep. Michael Curtin (D-Marble Cliff) said he planned to vote for the legislation but intended to offer an amendment on the floor that would grant the General Assembly approval authority of the commission's pay package. Under the current resolution, lawmakers can only reject the commission's recommendations by a three-fifths vote.

Rep. Brown, speaking to media after the meeting, called Rep. Curtin's proposal a "good suggestion."

"We'll take some time to consider what he suggested and consider some other ideas of this language," Rep. Brown said, declining to elaborate on what those ideas entail.

"There are some other folks that believe we can do some things to make this an even better proposition for people of Ohio to consider," Rep. Brown said. "We're going to take a pause, go back and pick it up in the fall."

He said the day's busy schedule had nothing to do on delaying the vote. "We're simply trying to make sure all the good ideas that enable the people of Ohio to consider the best proposal on this issue."

#### Physicians Say Bill To Give CRNAs Ordering Authority Could Put Patients At Risk

Medical and physician organizations opposed to a measure that would allow certified registered nurse anesthetists to order medicines before and after surgery argue that it could jeopardize patient safety.

A panel of witnesses on Wednesday also told the House Health and Aging Committee that the bill (HB 548) is unnecessary because surgical teams that include CRNAs are capable of meeting patient needs under current laws.

Bill supporters have testified that expanding the scope of CRNAs would provide more timely care to patients, particularly in rural hospitals where certain staff are not always available.

However, Steve Steinberg, interim chair of surgery at The Ohio State University Wexner Medical Center, said the Ohio Chapter of the American College of Surgeons does not believe this is an issue that currently exists because surgery teams are so well organized.

"If there are issues with the delivery of care and communication between providers in the operating room, then we should discuss those concerns and find a solution," he said. "Expanding the nurse anesthetist scope of practice and discarding the role of physicians in directing the surgical care of a patient erodes the team-based approach to health care that affords patients the best care possible."

Dr. Steinberg and other witnesses representing the Ohio State Medical Association, Academy of Medicine of Cleveland and Northern Ohio and the Ohio Society of Anesthesiologists raised concerns that having another professional with ordering abilities on the team could lead to duplication in medication or respiratory care of patients.

"Further, nothing in the bill prohibits a nurse anesthetist from contradicting a surgeon's order. Physicians must be empowered to care for their patients, and any duplication or contradiction in the delivery of care could be harmful, especially following a surgical procedure," Dr. Steinberg said.

CRNAs who have spoken out in support of the measure said the bill will not expand their scope of practice and that they are trained to order medication in post- and pre-operative settings.

Anesthesiologist John Bastulli, who is vice president of legislative affairs for the Academy of Medicine of Cleveland and Northern Ohio, said the legislation would allow CRNAs to practice at the top of their licenses - which is not the same as full scope of practice.

Having worked his way up from an anesthetist assistant to his current position, Dr. Bastulli said he has experience with the varying levels of education between those who have the authority to order and those who don't.

He added that there is no evidence of patients not being served in a timely manner and said it's important he give the order for the sedation of surgical patients so that they're coherent when they meet with physicians.

"Patient safety mandates that the implementation of policies and procedures are based upon evidence and consensus based data that is accurate, verifiable and reproducible," Dr. Bastulli said. "Granting prescriptive authority to CRNAs and allowing them to direct others to administer medications to the patient is unnecessary and without merit. While we are all interested in reducing the cost of health care and improving access, adding another prescriber to the surgical team does not result in accomplishing either objective."

Rep. Heather Bishoff (D-Blacklick) questioned why - if hospital teams are so well coordinated and collaborative - that trend wouldn't continue if CRNAs can order medicine or another licensee to perform clinical support functions.

"Maybe I have more faith in our health care institutions," she said. "I don't see how we're going to create people going rogue in our health care system."

Dr. Steinberg said the surgical team at a hospital usually sticks together so there are typically multiple physicians available at the same time as the CRNA to enter orders into a computer. Most states, he added, do not permit CRNA ordering.

Paul Wojciechowski, president of the Ohio Society of Anesthesiologists, told Rep. Nickie Antonio (D-Lakewood) that the groups are working with the sponsors of the bill, but he is unsure if it's possible to come to a compromise in the same way they did on a bill to expand the scope of advanced practice registered nurses (HB 216).

"We are always willing to sit down, we are always willing to explore. Clearly at this point, I think one of the paramount things to understand is that when the training and education doesn't support the change, how can you support the change?" he said. "It's a very big difference in experience versus APRNs and CRNAs. You're really comparing apples to oranges there."

As the bill is currently worded, Dr. Wojciechowski said he believes hospitals would have to redefine the role of CRNAs if they did not want to expand ordering authority.

**Subscribers Note:** Testimony can be found on the committee's website under May 25.

### Fire Officials Continue To Call For Closure Of Arson Loophole

Fire officials on Wednesday continued lobbying for the passage of legislation they say would close a loophole that makes it nearly impossible to prosecute arsonists of abandoned structures.

The bill (HB 185) would expand the offense of arson by prohibiting damage by fire or explosion to an unoccupied structure without requiring proof that the owner did not consent.

Under current law, a prosecutor must obtain written or verbal confirmation from a property owner that they did not provide permission to set the structure ablaze.

Scott Bennett, a retired fire investigator with the Dayton Fire Department and now first vice president of the International Association of Arson Investigators, told members of the Senate Criminal Justice Committee that

over the course of his career he has found prosecuting serial arsonists to be difficult.

In one case, he said, a man admitted to setting 45 fires.

"I thought the hard work was catching this person, however, the hard work was tracking down the owners of the 45 properties to testify," Mr. Bennett said. "We worked this case day and night. At the end, and for court purposes, we got five owners to come forward and testify. The other 40 were either deceased, moved or we could not locate them. The suspect ultimately pleaded guilty and was sentenced to 11 years in the Ohio prison system."

Four months after his release, the man was arrested again for arson. He admitted to starting 11 fires, and Mr. Bennett said he was able to track down six of the owners.

Springfield Fire Department Chief Nick Heimlich told the committee that of the 297 structure fires in the past five years in the Clark County city, 78 of those structures - or just over one-quarter - were unoccupied at the time of the fire.

"In many cases the property owners of record do not reside in the city of Springfield or the state of Ohio," he said. "Further, determination of the responsible owner of such properties is often uncertain due to financial foreclosure or other legal processes. While we respect the burden of proof necessary to conduct and secure a successful prosecution, the current statute language creates a significant burden in terms of cost and effort necessary to even consider prosecution on the facts of the case."

Mr. Heimlich also told the committee that the impact of an unoccupied structure fire is felt community-wide because there is no justice despite adjacent homes and property being damaged in some cases.

Cole Niswonger, fire investigations supervisor for the Dayton Fire Department, told the committee that he has been handed the lighter an arsonist used to set a fire and was still unable to prosecute the perpetrator because of current law.

Cincinnati firefighter Curtis Chandler also testified in support of the measure.

The state's prosecutors are also on board with the proposed change in law. Ohio Prosecuting Attorneys Association Executive Director John Murphy told the committee that "persons who damage unoccupied structures by fire or explosion should not be able to avoid criminal culpability simply because the owner can't be located."

#### Governor's Appointments

**Southern State Community College Board of Trustees:** Douglas W. Boedeker of Washington Court House for a term beginning May 25, 2016 and ending May 11, 2022.

**Community Schools Dropout Recovery Study Committee:** Stephen J.H. Lyons of Columbus for a term beginning May 25, 2016 and continuing at the pleasure of the governor.

Supplemental Agency Calendar

#### Thursday, May 26


Canceled: ~~Tuition Trust Authority, 77 S. High St., 31st Fl., West B&C, Columbus, 10 a.m.~~

17 S. High St., Suite 630

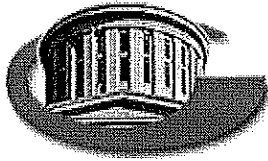
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**GONGWER** Ohio  
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## Senate Activity for Wednesday, May 25, 2016

PASSED

**HB 9 TAX EXPENDITURES** (Boose, T.) To create a Tax Expenditure Review Committee for the purpose of periodically reviewing existing tax expenditures and to prohibit the Director of Administrative Services from making purchases by competitive sealed proposal without prior Controlling Board approval.

33-0 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**HB 50 ADOPTION ASSISTANCE** (Pelanda, D., Grossman, C.) To extend the age for which a person is eligible for federal foster care and adoption assistance payments under Title IV-E to age twenty-one; to require that a guardian receive the Ohio Guardianship Guide; and to conform to recent amendments to federal Title IV-E program requirements.

33-0

Gongwer Coverage

**HB 60 COMPANION ANIMAL ABUSE** (Hall, D., Patmon, B.) To revise provisions and penalties regarding treatment of companion animals, to revise the definition of "companion animal" in the Offenses Relating to Domestic Animals Law, to provide a state collaborative effort to assist veterinarians in identifying clients who may use their animals to secure opioids for abuse, and to modify the penalty for assaulting a police dog or horse to require, if the dog or horse is killed, a mandatory prison term and a mandatory fine to be paid to the law enforcement agency served by the dog or horse.

33-0 (Earlier REPORTED-AMENDED-No testimony)

Gongwer Coverage

**HB 113 CPR TRAINING** (Grossman, C., Manning, N.) To require public schools to provide students with instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator, to require training for certain school employees in the use of an automated external defibrillator, to revise the law regarding the Joint Education Oversight Committee, high school equivalency tests, and the awarding of certificates of high school equivalence, and to make other revisions regarding the operation of primary and secondary schools.

33-0

Gongwer Coverage

**HB 171 HEROIN TRAFFICKING** (Blessing, L., Dever, J.) To decrease the minimum amount of heroin involved in a violation of trafficking in heroin or possession of heroin that makes the violation a felony of the first degree and that is necessary to classify an offender as a major drug offender.

28-5 (Earlier REPORTED-No testimony)

Gongwer Coverage

**HB 173** **VETERAN IDENTIFICATION** (Anielski, M., Terhar, L.) To authorize a county recorder or county veterans service office, with the approval of the board of county commissioners, to issue Ohio veterans identification cards.

33-0 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**HB 178** **WINE SALES** (Manning, N.) To establish the F-10 liquor permit to authorize certain A-2 permit holders to sell Ohio wines at farmers markets.

32-0 (Earlier REPORTED-No testimony)

Gongwer Coverage

**HB 182** **DEVELOPMENT ZONES** (Schuring, K.) To revise the law governing the creation and operation of joint economic development districts (JEDDs) and enterprise zones, to exempt from property taxation real property owned by a nonprofit organization selected by the Federal Small Business Administration as an intermediary lender in the Federal Microloan Program, to lower the contribution threshold necessary to maintain an income tax refund contribution "check-off" option, to extend the deadline for municipal corporations to report information to enable a computation of fiscal effects of recent changes to net operating loss deductions for municipal income tax purposes, and to modify eligible investment criteria for the state New Markets Tax Credit.

33-0 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**HB 200** **EPINEPHRINE ACCESS** (Hagan, C.) Regarding procuring, storing, and accessing epinephrine autoinjectors for which there are no patient-specific prescriptions and civil immunity of health professionals.

33-0 (Earlier REPORTED-AMENDED-No testimony)

Gongwer Coverage

**HB 277** **911 LEVIES** (Brenner, A.) To authorize a county, township, or municipal corporation to impose a 9-1-1 system levy in only the portion of the subdivision that would be served by the 9-1-1 system and to declare an emergency.

Bill: 33-0; Emergency: 33-0 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**HB 342** **WINERY PERMITS** (Young, R.) To create the Ohio Farm Winery Permit and to authorize the Division of Liquor Control to issue a D-51 liquor permit to a premises that is located in a municipal corporation that is wholly within the geographic boundaries of a township, provided that a specified population density applies to the municipal corporation and township.

32-0 (Earlier REPORTED-No testimony)

Gongwer Coverage

**HB 351** **LIQUOR LAWS** (Perales, R., DeVitis, T.) To increase the amount of spirituous liquor that an A-3a liquor permit holder may annually manufacture and to allow an A-3a permit holder to obtain an A-1-A liquor permit.

32-0 (LaRose excused) (Earlier REPORTED-AMENDED)

Gongwer Coverage

**HB 359** **ADDRESS CONFIDENTIALITY** (Duffey, M., Gonzales, A.) To create an address confidentiality program for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery and to allow wireless service account transfer in a domestic violence situation.

33-0 (Earlier REPORTED)

Gongwer Coverage

**HB 390** **TAX EXEMPTION** (Schaffer, T., Retherford, W.) To provide authorization and conditions for the operation of state programs and to make appropriations.

33-0 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**HB 391** **FINANCIAL LITERACY** (Terhar, L.) To require the Chancellor of Higher Education to create the SmartOhio Financial Literacy Pilot Program at the University of Cincinnati to operate for the 2016-2017 school year, to establish the Task Force for Creating Opportunities for Shared Governance on Co-Located Campuses, to provide support for the Ohio Youth Entrepreneur Program at Youngstown State University, to rename the Capitol Theatre of the Vern Riffe Center for Government and the Arts as the Speaker Jo Ann Davidson Theatre, and to make an appropriation.

33-0 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**HB 413** **TOWNSHIP LAW** (Brinkman, T.) To add to the purposes for which a board of township trustees may go into executive session, to permit a township to charge for recycling services, to reduce the population threshold for a township to adopt a limited home rule form of government, to authorize a township to purchase, lease, or provide underwater rescue and recovery equipment for fire and rescue purposes, to authorize boards of township trustees to pay for group life insurance for any employee, to expand the cemetery purposes for which such boards may levy a tax or expend township funds, to make other changes to the township laws or laws relating to township authority, to allow taxing units to use the proceeds of a fire, police, or emergency services tax levy to pay costs related to the service for which the tax is levied, to remove the limitations on the authority to reappoint members of the Ohio Small Government Capital Improvements Commission, to authorize boards of township trustees and boards of park commissioners to expend funds for the public purpose of presenting community events in their parks and other recreational facilities, and to expand the public infrastructure improvements townships, municipal corporations, and counties may pay for using money from their public improvement tax increment equivalent funds.

33-0 (Earlier REPORTED-AMENDED SUBSTITUTE)

Gongwer Coverage

**HB 429** **AUTO TECHNICIANS** (Antani, N., Reineke, B.) To allow employers of automotive technicians and motor vehicle technicians to participate in the Incumbent Workforce Training Voucher Program, to revise what constitutes treatment of hazardous waste, to define and regulate autocycles for purposes of the Motor Vehicles Law, and to amend the versions of sections 4501.01, 4503.04, 4503.21, 4503.22, 4503.544, and 4511.53 of the Revised Code that are scheduled to take effect January 1, 2017, to continue the provisions of this act on and after that effective date.

33-0 (Earlier REPORTED-AMENDED-No testimony)

Gongwer Coverage

**HB 466** **TAX EXEMPTION** (Smith, R.) To specifically exempt digital advertising services from sales and use tax.  
32-1 (Skindell) (Earlier REPORTED-No testimony)

Gongwer Coverage

**HB 483** **DEVELOPMENTAL DISABILITIES** (Amstutz, R.) To modify programs administered by the Department of Developmental Disabilities, to modify certain laws pertaining to tax levies for developmental disabilities, to modify certain laws regarding ABLE savings accounts and Ohio's disability savings account program, to designate October as "Disability History and Awareness Month," to require acceptance of certain certificate of need applications regarding relocation of long-term care facility beds, to remove behavioral health services from inclusion as direct care costs of nursing facilities, to delay certain laws regarding community behavioral health services, and to make an appropriation.

33-0 Amended (Earlier REPORTED-AMENDED)

Gongwer Coverage

**HB 512** **WATER SYSTEMS** (Ginter, T.) To establish requirements governing lead and copper testing for community and nontransient noncommunity water systems, to revise the law governing lead contamination from plumbing fixtures, to make appropriations to the Facilities Construction Commission for purposes of providing grants for lead fixture replacement in eligible schools, and to revise the laws governing the Water Pollution Control Loan and Drinking Water Assistance Funds.

32-0 (Earlier REPORTED)

Gongwer Coverage

**HB 523** **MEDICAL MARIJUANA** (Huffman, S.) To authorize the use of marijuana for medical purposes and to establish the Medical Marijuana Control Program.

18-15 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**SB 206** **CAMPAIGN FINANCE REPORTS** (LaRose, F.) To require certain campaign committees and other entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those statements available online.

33-0 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**SB** **SUMMER MEAL PROGRAM** (Brown, E., Lehner, P.) To require school districts to allow alternative



**247** summer meal sponsors to use school facilities to provide food service for summer intervention services under certain conditions.

33-0

Gongwer Coverage

**SB FETAL REMAINS (Uecker, J.)** Regarding final disposition of fetal remains from surgical abortions.

**254**

23-10 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**SB EXPUNGEMENT (Obhof, L.)** To provide that a person who is found not guilty of an offense by a jury or a court or who is the defendant named in a dismissed complaint, indictment, or information may apply to the court for an order to expunge the person's official records in the case if the complaint, indictment, or information or finding of not guilty was the result of the applicant having been a victim of human trafficking and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution.

33-0 (Earlier REPORTED-AMENDED-No testimony)

Gongwer Coverage

**SB DRUG REGULATIONS (Eklund, J.)** To revise certain laws regarding the regulation of drugs, the practice of pharmacy, and the provision of addiction services.

**319**

33-0 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**SB PET STORES (Peterson, B.)** To regulate the sale of dogs from pet stores and dog retailers and to require the Director of Agriculture to license pet stores.

**331**

21-11 (Hughes excused) (Earlier REPORTED)

Gongwer Coverage

**HCRMILITARY BRATPIN (Sears, B., Dovilla, M.)** To express support for the Military BratPin.

**26**

VOICE VOTE

Gongwer Coverage

**SCR FEDERALISM (Obhof, L., Faber, K.)** To reassert the principles of federalism found throughout the Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed.

**15**

23-10 (Earlier REPORTED)

Gongwer Coverage

SENATE CONCURS IN HOUSE AMENDMENTS

**SB ONLINE VOTER REGISTRATION (LaRose, F.)** To create an online voter registration system, to require

**63** the Secretary of State annually to review the Statewide Voter Registration Database to identify registrants who are not United States citizens, to modify the procedures for maintaining the Statewide Voter Registration Database, to amend the requirements for the certification of voting equipment, and to clarify the circumstances under which a political party may appoint a person to fill a vacancy in certain elective offices.

33-0

### Gongwer Coverage

**SB FIREARM PENALTIES (Hughes, J., LaRose, F.)** To provide that a person who purposely causes the death of another as part of a course of conduct involving the purposeful killing of or attempt to kill two or more persons is guilty of aggravated murder, to increase by 50% the mandatory prison term for an offender who is convicted of a firearm specification and previously has been convicted of a firearm specification; to prohibit violent career criminals from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance; to require a mandatory prison term for a violent career criminal convicted of committing a violent felony offense while armed with a firearm; to correct a provision regarding delinquent child dispositions for specifications; to provide certain prisoners credit for time spent in jail in determining eligibility to apply for judicial release; and to specify that no presentence investigation report is required for shock probation to be granted to an offender convicted of an offense before July 1, 1996.

28-5

**SB PRIOR AUTHORIZATIONS (Gardner, R., Cafaro, C.)** To amend the law related to the prior authorization requirements of insurers and to delay the effective date of certain laws regarding community mental health and addiction services.

33-0

**SB LICENSE PLATE (Hughes, J.)** To amend the law governing motor vehicle license plate county identification stickers, to create various license plates, to change the name of the Port Columbus International Airport to the John Glenn Columbus International Airport, and to designate a portion of State Route 2 in Cuyahoga County as the "Governor Richard F. Celeste Shoreway."

33-0

**SB BULLION TAXES (Jordan, K.)** To exempt from sales and use taxes the sale or use of investment metal bullion and coins, to expand eligibility for the fraternal organization property tax exemption to property of an organization operating under a state governing body that has been operating in Ohio for at least eight-five years, to extend the deadline for payments of quarterly municipal income tax withholding taxes, and to modify the rules for when municipal income tax withholding payments are considered to have been made.

30-2 (Skindell & Brown)

**SB VOTING HOURS (Seitz, B.)** To specify the conditions under which a court may order that a polling place be kept open for extended hours on the day of an election and to require a person who votes pursuant to such an order to cast a provisional ballot.

23-10

**SB PUBLIC RECORDS (Faber, K.)** To create a procedure within the Court of Claims to hear complaints alleging a denial of access to public records, to modify the circumstances under which a person who files a mandamus action seeking the release of public records may be awarded court costs and attorney's fees, to expand the infrastructure record exemption under Public Records Law, and to generally protect a private,

nonprofit institution of higher education from liability for a breach of confidentiality or other claim that arises from the institution's disclosure of public records.

33-0

## COMMITTEE HEARINGS

### Energy & Natural Resources

**HB WATER SYSTEMS** (Ginter, T.) To establish requirements governing lead and copper testing for **512** community and nontransient noncommunity water systems, to revise the law governing lead contamination from plumbing fixtures, to make appropriations to the Facilities Construction Commission for purposes of providing grants for lead fixture replacement in eligible schools, and to revise the laws governing the Water Pollution Control Loan and Drinking Water Assistance Funds. (**REPORTED (See separate story)**; 3rd Hearing-Possible amendments & vote)

**SB IMPROVEMENT DISTRICTS** (Seitz, B.) To revise the law governing special improvement districts **185** created for the purpose of developing and implementing plans for special energy improvement projects. (**REPORTED-AMENDED (No testimony)**; 5th Hearing-Possible amendments & vote)

The committee adopted four amendments from sponsor Sen. Seitz without objection. The new language in part:

- Specifies that if a special energy improvement project is located in a certified territory of an electric distribution utility, the utility should receive a copy of the completed petition.
- Corrects the bill by removing several lines that were enacted into law subsequent to the bill's introduction.

Sen. Seitz said his other two amendments help clarify that the streamlined process created by the bill only applies to energy efficiency projects and not those pertaining to renewable energy.

The first amendment added language in an effort to make it easier for local improvement projects conducted by entities beyond large utility companies, the sponsor said.

"Frankly, I don't care if it's the utility or somebody else that wants to (pursue) energy efficiency, we should be promoting energy efficiency," Sen. Seitz said.

The other amendment specifically excludes clean and renewable energy-based energy efficiency technologies, products and activities from the definition of "energy efficiency improvement."

Ranking Member Sen. Gentile questioned the latter two amendments, seeking assurance from Sen. Seitz that the bill won't enact barriers to renewable energy projects. Sen. Seitz said the bill will change nothing regarding renewable energy projects.

"We're not changing a word of that," Sen. Seitz said of existing renewable energy law. "We're simply providing that in this new streamlined procedure it's going to be limited to energy efficiency projects. So if people want to do renewable energy they can do it under the current law."

### Health & Human Services

**HB DRUG SALES** (Rezabek, J.) To prohibit the over-the counter sale, without a prescription, of **197** dextromethorphan to a person who is under 18 years of age. (**CONTINUED (No testimony)**; 5th Hearing-Possible amendments & vote)

**HB EPINEPHRINE ACCESS** (Hagan, C.) To permit epinephrine autoinjectors for which no prescriptions have **200** been written to be stored and accessed for use in case of emergency. (**REPORTED-AMENDED (No testimony)**; 4th Hearing-All testimony-Possible amendments & vote)

**HB ADULT PROTECTIVE SERVICES** (Retherford, W., Dovilla, M.) To revise the laws governing the

**24** provision of adult protective services. (**CONTINUED (No testimony)**; 7th Hearing-All testimony-Possible amendments & vote)

**SB DRUG REGULATIONS (Eklund, J.)** To revise certain laws regarding the regulation of drugs, the practice **319** of pharmacy, and the provision of addiction services. (**REPORTED-AMENDED**; 4th Hearing-All testimony-Possible amendments & vote)

Sen. Jones won approval of a series of amendments, including a comprehensive change that allows prescribers to issue 90-day supplies of opiates in three, 30-day increments. That amendment also:

- reduces the time frame during which opiate prescriptions are valid from 30 to 14 days;
- allows health care licensing boards to adopt more strict controlled substance prescribing rules;
- allows requirements for physician-approved naloxone protocols for service entities;
- allows registered technicians to conduct non-sterile compounding with additional training;
- cuts Board of Pharmacy licensing fees for sole proprietors and dentists from \$150 to \$60, and;
- eliminates a technician trainee ratio.

Other amendments added by Sen. Jones add courts and probation departments to the entities that can administer naloxone according to physician protocols; cleans up language for Board of Pharmacy licensees who are subject to mental or physical exams and exempts federally owned and operated facilities from Board of Pharmacy licensing.

Sen. Jones also amended the bill to permit for-profit providers to operate as methadone clinics and directs the Ohio Department of Mental Health and Addiction Services to develop rules addressing methadone clinic licensing.

**SB INFANT MORTALITY (Jones, S., Tavares, C.)** To provide for the implementation of recommendations, **332** other than those pertaining to tobacco taxes and the minimum purchase age for tobacco products, made by the Commission on Infant Mortality, and to make an appropriation. (**CONTINUED**; 1st Hearing-Proponent)

Craig Davidson of Hamilton County Public Health, testified in support. He said the bill's language to help collect data on infant mortality will be of great assistance to those in the public health field. Among other things, having reliable, geocoded data will help officials target resources to areas where mortality problems are more prevalent.

Patricia Gabbe of Moms2B also backed the bill, stressing the need for pregnant women to have stable housing situations. She said there is a critical need for stable housing, noting that those without homes find it more difficult to keep and get jobs, care for children, make medical appointments and more.

"The impact of homelessness on these families is tremendous," she said.

Support was also offered by Angela Dawson, executive director of the Ohio Commission on Minority Health, and Simone Crawley of Multiethnic Advocates for Cultural Competence.

Ms. Dawson said her organization likes the idea of having more data on the problem. She said data will help the state implement best practices, and could help reduce the disparity in birth outcomes among different ethnic and racial groups.

Ms. Crawley added that the effort to reduce disparities among racial and ethnic groups will be essential as Ohio and the United States see a growth in minority populations in the coming years.

State & Local Government

**HB VETERAN IDENTIFICATION** (Anielski, M., Terhar, L.) To authorize county recorders to issue Ohio **173** veterans identification cards. (**REPORTED-AMENDED**; 3rd Hearing-All testimony-Possible amendments & vote)

**HADDRESS CONFIDENTIALITY** (Duffey, M., Gonzales, A.) To create an address confidentiality program **359** for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery. (**REPORTED**; 4th Hearing-All testimony-Possible amendments & vote)

Before the committee vote, the panel tabled an amendment from Sen. Thomas that would have allowed online voter registration in time for the 2016 presidential election.

The panel also rejected an amendment from Sen. Seitz that would have allowed individuals who obtain confidentiality numbers from the Secretary of State's office to participate in the electoral process by making political contributions by disclosing only their confidentiality numbers.

He said the bill, at its core, allows those who need protection to participate in the voting system, but said it doesn't allow for their confidential participation in the campaign finance system.

Chair Uecker said Secretary Husted's office has raised questions about the proposal, suggesting there is potential for abuse and confusion. The office, he said, has asked that the issue be considered in separate legislation.

The panel then voted 4-3 to table the language, and Sen. Seitz questioned whether there were enough votes to effectively table the proposal. After a short consultation, Chair Uecker allowed a vote on the amendment itself, and the proposal failed on a 3-4 vote.

**HBTOWNSHIP LAW** (Brinkman, T.) To add to the purposes for which a board of township trustees may go **413** into executive session, to permit a township to charge for recycling services, to reduce the population threshold for a township to adopt a limited home rule form of government, to authorize a township to purchase, lease, or provide underwater rescue and recovery equipment for fire and rescue purposes, to authorize boards of township trustees to pay for group life insurance for any employee, to make other changes to the township laws, to allow taxing units to use the proceeds of a fire, police, or emergency services tax levy to pay costs related to the service for which the tax is levied, and to expand the public infrastructure improvements townships, municipal corporations, and counties may pay for using money from their public improvement tax increment equivalent funds. (**REPORTED-AMENDED SUBSTITUTE**; 3rd Hearing-All testimony-Possible sub bill, amendments & vote)

The panel adopted a substitute bill that deletes language allowing municipalities located in charter counties to certify garbage collection fees to the property tax list for the collection in the same manner as property taxes.

The substitute also added language:

--allowing townships to require the removal of snow and ice from sidewalks and to impose a fine for not doing so;

--authorizing township trustees and park commissioners to spend money to present community events that are open to the public at parks or other recreational facilities;

--permitting township trustees of urban townships to allow off-street motor vehicle parking;

--allowing townships to charge a fee of up to \$50 for applications for driveway culverts or township highway excavations;

--reducing from 30 to 20 days the amount of time when a party in interest must seek a hearing before trustees regarding a repair of dangerous structures;

--eliminates limits on the reappointment of members of the Ohio Small Government Capital Improvements Commission

--identifies two cases as being contrary to the intent of the legislature regarding the definition of "owner" for annexation purposes.

Sen. Seitz won approval of an amendment that deletes the substitute's section about township fine authority tied to the removal of snow and ice from sidewalks. He said the language essentially adds another measure (HB 375) to the bill.

He raised concern that the language could create a civil right of action against people who don't or are unable to remove snow and ice, and said case law that has protected property owners on the issue is not exactly on point.

He said until there is assurance that the language doesn't create civil liability, it would be a mistake to make the change on potentially the last day of session when winter is far away.

Veteran Lisa Upperman testified in support, saying the Veterans Administration has no intention of issuing photo ID cards that have been directed by Congress. She said county recorders have a infrastructure in place to handle the issuance of cards.

Sen. Uecker amended the bill to relieve the Ohio Department of Veterans Services from having the responsibility of creating the card. Instead, it would be developed by a collaboration involving the Ohio Recorders Association, County Commissioners Association of Ohio and county veteran service agencies.

The amendment was amended to specify that all card-issuing entities must follow the design standard.

Zach Holzapfel, representing the ORA, said his organization supports the change.

**HB AWARENESS DAY (Anielski, M.)** To designate the Saturday before Thanksgiving as "Ohio Survivors of 440 Suicide Loss Day." (CONTINUED; 1st Hearing-Sponsor)

Rep. Anielski's aide said the measure would recognize those who have been impacted by suicide-related losses.

**SB DAY DESIGNATION (Thomas, C., Tavares, C.)** To designate September 12 as "Jesse Owens Day." 285 (CONTINUED; 1st Hearing-Sponsor)

Sen. Thomas said the bill would honor the Alabama-born track and field star who settled in Cleveland and competed collegiately for Ohio State University. He said Mr. Owens earned fame for his exploits both in college and in the 1936 Olympics, when he earned four gold medals at the exhibition that was supposed to be a showcase for Germany.

**SCRFEDERALISM (Obhof, L., Faber, K.)** To reassert the principles of federalism found throughout the 15 Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed. (REPORTED; 2nd Hearing-All testimony-Possible vote)

Daniel Dew of the Buckeye Institute testified in support, telling the panel the measure would stress to federal officials the importance of having defined roles for the state and federal governments. He said the resolution would remind the federal government that its authority is limited, and that states have sovereign authority on many issues.

He said there have been many examples of when the federal government has overstepped its bounds, but cited the Affordable Care Act as a key recent change that he said imposed significant costs and regulatory burdens on states.

Agriculture

**HB WINE SALES (Manning, N.)** To establish the F-10 liquor permit to authorize certain A-2 permit holders to **178** sell Ohio wines at farmers markets. **(REPORTED (No testimony); 4th Hearing-All testimony-Possible amendments & vote)**

**HB WINERY PERMITS (Young, R.)** To create the Ohio Farm Winery Permit. **(REPORTED (No 342 testimony); 4th Hearing-All testimony-Possible amendments & vote)**

**HBLIQUOR LAWS (Perales, R., DeVitis, T.)** To increase the amount of spirituous liquor that an A-3a liquor **351** permit holder may annually manufacture and to allow an A-3a permit holder to obtain an A-1-A liquor permit. **(REPORTED-AMENDED (No testimony); 3rd Hearing-All testimony-Possible amendments & vote)**

The amendment provides that craft distillers can retail their product on a parcel or tract of land not more than 200 feet from the manufacturing premises. The amendment was written to accommodate Liberty Spirits in Middletown that has two separate parcels of land side by side rather than a single building that could accommodate both distilling and sales at a single site.

**HB COMPANION ANIMAL ABUSE (Hall, D., Patmon, B.)** To revise provisions and penalties regarding **60** treatment of companion animals, to revise the definition of "companion animal" in the Offenses Relating to Domestic Animals Law, and to provide a state collaborative effort to assist veterinarians in identifying clients who may use their animals to secure opioids for abuse. **(REPORTED-AMENDED (No testimony); 4th Hearing-All testimony-Possible amendments & vote)**

Two separate amendments, both offered by Chairman Hite, were tacked on. The first amendment establishes a third degree felony charge with a mandatory one-year sentence and a mandatory fine if a police dog or horse is killed as the result of an assault. The mandatory financial sanction would be paid to the law enforcement agency that was served by the dog or horse to pay the owner if the animal was not owned by the agency and/or for the payment of replacing and training a new service animal to the level of training that had been achieved by the dog or horse that was killed.

A second amendment would clarify the prohibition against the mistreatment of a companion animal by denying necessary sustenance or impounding or confining the animal in such a manner as to a point where it is reasonably expected the animal would die or experience unnecessary or unjustifiable pain or suffering.

A third amendment by Sen. Gentile was offered but later withdrawn that would have authorized a law enforcement officer to purchase his or her assigned police dog or horse for fair market value when the officer retires from an equine or canine unit in good standing. Approval must be obtained from the law enforcement agency and the local government authority or director of the Department of Public Safety case the police dog or horse served the State Highway Patrol.

Language of the amendment is embodied in Sen. Gentile's separate legislation (**SB 271**) and with a commitment from Sen. Hite to further vet that bill and work to move it through the legislative process in the fall, the amendment was withdrawn. That legislation was drafted following the retirement of Marietta Police Officer Matt Hickey who wanted to purchase his K-9 companion who he had handled for nearly six years. State law only allows the purchase of a police animal for \$1 upon the animal's retirement, however, should the animal deemed to still have use upon the officer's retirement, it is considered personal property of the governmental unit and must go to auction to dispose of it. It was determined the dog had a minimum value of \$3,000 as property.

#### Finance

**HB 911 LEVIES (Brenner, A.)** To authorize a county, township, or municipal corporation to impose a 9-1-1 **277** system levy in only the portion of the subdivision that would be served by the 9-1-1 system. **(REPORTED-AMENDED; 4th Hearing-All testimony-Possible amendments & vote)**

The committee reported the bill after adopting amendments, including an emergency clause, which was requested in order to allow Delaware County to put a levy on the ballot for November.

Another amendment was designed to make sure the bill applied to all countywide 911 levies, Chair Sen. Oelslager said.

**HB FINANCIAL LITERACY** (Terhar, L.) To require the Chancellor of Higher Education to create the **391** SmartOhio Financial Literacy Pilot Program at the University of Cincinnati to operate for the 2016-2017 school year and to make an appropriation. (**REPORTED-AMENDED**; 2nd Hearing-All testimony-Possible amendments & vote)

The committee voted to report the bill after adopting a few amendments. One amendment created a Shared Governance on Co-Located Campuses Task Force to prepare a report on governance for facilities where a two-year and a four-year college are located on the same or adjacent campuses. The task force is to present its report by Nov. 1.

Other amendments added to the bill would rename the theater in the Riffe Center the Speaker Jo Ann Davidson Theatre and set up the Ohio Youth Entrepreneurs Program at Youngstown State University.

**HB DEVELOPMENTAL DISABILITIES** (Amstutz, R.) To modify programs administered by the Department **483** of Developmental Disabilities and to make an appropriation. (**REPORTED-AMENDED**; 3rd Hearing-All testimony-Possible amendments & vote)

The committee voted to report the bill after accepting a number of amendments. The amendments that were adopted:

- Change the ratio of patients to nurses for Medicaid recipients for a specific kind of visit to a home and community based program from three-to-one to four-to-one.
- Unbundle behavioral and mental health services and clarify that mental health services can be paid for separately.
- Allow county nursing homes to sell their beds as state homes.
- Delay the effective date of the continuum of care chapter to July 1, 2017.
- Allow the Respiratory Care Board and the Ohio Society of Respiratory Care to be part of the Department of Developmental Disabilities rulemaking process.
- Specify that the Development Center Closure Report is also to be sent to the Senate president and both the House and Senate minority leaders.
- Allow county boards of developmental disabilities to combine levies under a single ballot question, though they would not be required to do so.
- Designate October as Disability History and Awareness Month, originally included in a separate bill (**SB 130**).

The committee also voted along party lines to table amendments that would: require DODD to study the waiting list for home and community based services provided by county boards, change the requirement that MRDD personnel be able to read and write English to being able to read and write in a language appropriate to those they serve; and place a moratorium on transfers from developmental centers to home and community based services until the report is complete.

**SB PET STORES** (Peterson, B.) To regulate the sale of dogs from pet stores and dog retailers and to require **331** the Director of Agriculture to license pet stores. (**REPORTED**; 2nd Hearing-All testimony-Possible amendments & vote)



The committee voted 7-5, with Sen. Hughes excused, to report the bill. Sen. Gardner joined the panel's four Democrats in opposition.

An amendment, proposed by Sen. Tavares to eliminate the portion of the bill that would pre-empt local ordinances, such as those in Toledo and Grove City, was tabled along party lines.

In testimony, John Bell, an attorney representing the Ohio SPCA, said the bill would protect companies that buy from "puppy mills" and keep local residents from enacting policies to prevent that practice.

"If a retailer tells you that it cannot cost-effectively do business under the existing ordinances, that retailer does not need to be selling companion animals, because they are effectively saying that they cannot afford to ensure that they are selling healthy animals that have not been mistreated," he said.

Diane Wogan-Burnside, of Lancaster said relying on the requirement that breeders be licensed by the U.S. Department of Agriculture is not enough to protect animals.

"There are no USDA 'approved' breeders," she said. "There are USDA licensed breeders. While having a state or USDA kennel license certainly doesn't make one a puppy mill, neither does possessing a license make one a quality breeder.

"If a breeder is USDA licensed that means they sell their puppies to brokers or pet stores," she continued. "Truly responsible breeders do not sell their puppies to pet stores; they want to meet their puppy buyers in person and do not sell their puppies to the first person who shows up with cash in hand."

Amy Jesse, representing the Humane Society of the United States, said the bill would not help in stopping problems caused by "puppy mills."

"It basically is just the status quo," she said. "This really problematic industry will be able to just keep operating the way it is and nobody will be able to do anything about it."

**Subscribers Note:** For full testimony, see the [committee's website](#) under May 25.

Transportation, Commerce & Labor

**HBAUTO TECHNICIANS** ([Antani, N.](#), [Reineke, B.](#)) Regarding employers of automotive technicians and 429 motor vehicle technicians participating in the Incumbent Workforce Training Voucher Program.

■ (REPORTED-AMENDED (No testimony); 3rd Hearing-All testimony-Possible vote)

The bill was amended to clarify definitions, including that of three-wheeled "auto cycles."

According to Chairman Sen. LaRose, the definition was changed to match those in other states.

In response to a question, he said it would not require an additional license to operate an "auto cycle."

**SCR MINERS ACT** ([Gentile, L.](#)) To urge the Congress of the United States to enact the Miners Protection Act 17 of 2015. (CONTINUED; 1st Hearing-Sponsor)

The legislation would send a strong message to Washington that "Ohio supports the men and women who have worked for decades underground to power our homes, businesses, and greater economy," sponsoring Sen. Gentile told the committee.

Currently pending in the U.S. Senate, the Miners Protection Act is co-sponsored by both [U.S. Sen. Rob Portman](#) (R-Terrace Park) and [U.S. Sen. Sherrod Brown](#) (D-Avon).

"The act would transfer certain funds to ensure that retired coal miners are paid the full pensions and health benefits they are owed," Sen. Gentile said. "Retired miners are facing uncertainty because their pension plan - the UMWA 1974 Pension Plan - is underfunded."

That underfunding, he said, stems from a combination of the 2008 financial crisis and a downturn in the industry that has left one active worker for every 13 retirees.

"All of these factors have led the plan on a path of insolvency, but none of them are the fault of the retired workers or management of the plan," he said "The federal government and coal operators owe it to these hardworking men and women to protect their financial security in retirement."

**Governor's Appointments:** The committee also voted to favorably recommend the appointments of Stephen Lehecka, Mark Palmer, Dewey Stokes and Nicholas Zuk to the Bureau of Workers' Compensation Board of Directors.

**Subscribers Note:** For full testimony, visit the [committee's website](#) under May 25.

#### Criminal Justice

**HBHEROIN TRAFFICKING (Blessing, L., Dever, J.)** To decrease the minimum amount of heroin involved in **171a** violation of trafficking in heroin or possession of heroin that makes the violation a felony of the first degree and that is necessary to classify an offender as a major drug offender. **(REPORTED (No testimony); 5th Hearing-All testimony-Possible amendments & vote)**

**HBARSON (Koehler, K.)** To eliminate lack of the property owner's consent as an element of arson when the **185** property is abandoned real property and to make the consent of the owner of abandoned real property an affirmative defense. **(CONTINUED (See separate story); 3rd Hearing-All testimony)**

**HB MURDER SENTENCING (Maag, R.)** To change the sentence for aggravated murder. **(CONTINUED; 57th 3rd Hearing-All testimony)**

A pair of witnesses - the friends of the parents whose child's murder spurred the legislation - urged the committee to move the bill.

Steve Chase told the committee that tougher sentences could be a deterrent to murder.

"We need to up the ante so that more of the wannabes would be less likely to give killing a thought, and make it harder for criminals to find it worth taking the chance," he said.

His wife, Patsy Chase, echoed those sentiments.

"Many young people who commit crimes say later that they knew they would only get an insignificant punishment because of their age or because they were first-time offenders," she said. "Even more seasoned adults will echo the same sentiments about believing that since they are first-time lawbreakers they will get a break in sentencing."

**SB DRUG VOLUME (LaRose, E.)** To provide that five milligrams or more of fentanyl or an amount equal to or **237** exceeding one gram of a compound, mixture, preparation, or substance that contains any amount of fentanyl and that is not in a final dosage form manufactured by an authorized manufacturer constitutes a bulk amount for purposes of the laws governing drug offenses, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexanfetamine to the list of schedule II controlled substances. **(CONTINUED (No testimony); 4th Hearing-All testimony-Possible amendments & vote)**

**SB CASINO OPERATORS (Seitz, B.)** To specify that the criminal penalty related to casino operators and **265** employees participating in casino gaming applies at their casino facility or an affiliated casino facility. **(CONTINUED (No testimony); 4th Hearing-All testimony-Possible vote)**

**SB EXPUNGEMENT (Obhof, L.)** To provide that a person who is found not guilty of an offense by a jury or a **284** court or who is the defendant named in a dismissed complaint, indictment, or information may apply to the court for an order to expunge the person's official records in the case if the complaint, indictment, or

information or finding of not guilty was the result of the applicant having been a victim of human trafficking and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. **(REPORTED-AMENDED (No testimony); 5th Hearing-All testimony-Possible amendments & vote)**

Two amendments to the bill brought forward by Chairman Sen. Eklund were accepted, including one that clarifies that to be eligible for expungement, the offense must be related to the time in which the person was trafficked.

"It's really a clarification of the original intention," he said.

The other amendment excludes the crimes of murder, aggravated murder and rape from expungement eligibility under the bill.

**Rules And Practice of Procedure:** Michael Farley, judicial and legislative affairs counsel for the Ohio Supreme Court presented the committee with proposed amendments to the Rules of Practice and Procedure.

**Subscribers Note:** For full testimony, visit the [committee's website](#) under May 25.

#### Government Oversight & Reform

**HB 134 HIGHLIGHTED PROPERTY FORECLOSURES** (Grossman, C., Curtin, M.) To establish summary actions to foreclose mortgages on vacant and abandoned residential properties, to expedite the foreclosure and transfer of unoccupied, blighted parcels, to make other changes relative to residential foreclosure actions, and to terminate certain provisions of this act on December 31, 2019, by repealing sections 3767.51, 3767.52, 3767.53, 3767.54, 3767.55, and 3767.56 of the Revised Code on that date. **(CONTINUED-AMENDED; 3rd Hearing-All testimony-Possible amendments & vote)**

The committee adopted a few amendments. One was designed to allow judges to revert to older, slower procedures instead of an expedited foreclosure process if there are concerns that the homeowner might not be aware of the process.

"There are legitimate situations where that person might not be aware that a foreclosure is pending on their home or a home that they own," said former Attorney General Marc Dann, who testified in support.

The amendment was adopted along party lines.

A separate amendment extends the deadline for when the attorney general's office would have to have a database of information on foreclosure sales to a year from the bill's effective date.

Stephen Buchenroth, on behalf of the Ohio State Bar Association, said in testimony the bill (HB 463) that was added into HB 134 was the result of an effort by the association to speed up the foreclosure process and make the system more consistent from county to county.

"The current foreclosure process in Ohio, in the best of circumstances, takes a minimum of eight or nine months; and in many of our urban counties during the foreclosure crisis took 18 to 24 months," he said. "During this time, properties that were vacant and abandoned often were vandalized and deteriorated to the point where they were of no value and contributed to blight in the areas in which they were located."

Sen. Skindell expressed concern that the low minimum bids required in the second sheriff's sale would lead to "bottom feeders" coming in to buy property for cheap.

Mr. Buchenroth said the bill is designed to speed up the process so properties don't sit and deteriorate, losing even more value.

"One of the goals of this bill is that we get properties back on the market so that they don't deteriorate further," he said.

**HB MEDICAL MARIJUANA** (Huffman, S.) To authorize the use of marijuana for medical purposes and to **523** establish the Medical Marijuana Control Program. (**REPORTED-AMENDED** (See separate story); 5th Hearing-No testimony-Possible amendments & vote)

**SB CAMPAIGN FINANCE REPORTS** (LaRose, F.) To require certain campaign committees and other **206** entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those statements available online. (**REPORTED-AMENDED**; 3rd Hearing-All testimony-Possible amendments & vote)

The committee reported the bill, with Sen. Seitz abstaining, after adopting an amendment that makes online reporting voluntary for local elected officials.

The amendment makes the online reporting for local candidates purely permissive, not mandatory, Sen. LaRose said. Right now, he said, local officials can't file their reports digitally with the Secretary of State's office. The amendment would allow them to file their reports in the same system as state officials.

**SB FETAL REMAINS** (Uecker, J.) Regarding final disposition of fetal remains from abortions. **254** (**REPORTED-AMENDED**; 4th Hearing-All testimony-Possible amendments & vote)

The committee voted along party lines to report the bill after adopting an amendment that makes it clear that if a woman doesn't want to exercise her right to choose what will happen to fetal remains, the abortion facility will decide.

Lisa Wurm, policy manager for the ACLU of Ohio, said the bill is designed simply to make it harder for women to get abortions in Ohio.

"ACLU opposes the bill because it serves no legitimate medical purpose, creates additional costs as well as serious privacy concerns and forms unnecessary legislative ambiguity, which will negatively affect a woman and her family," she said.

She also expressed concern that the records created under the bill could make the names of women who had abortions publicly available.

**SB PAWNBROKERS** (Eklund, J.) To make changes to the law relating to pawnbrokers. (**CONTINUED** (No **270** testimony); 3rd Hearing-All testimony-Possible amendments & vote)

**SB SUNSET REVIEW** (Jordan, K., Faber, K.) To abolish the Sunset Review Committee and to revise Sunset **329** Review Law to require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to permit the review of other state departments and boards. (**CONTINUED**; 1st Hearing-Sponsor)

Sponsor Sen. Jordan said the bill would require state agencies to be reviewed by legislative agencies to ensure they've remained within their authority and are not hindering economic growth.

"It is the nature of government to grow," he said. "Even with the best intentions as a guide, the expansion of state influence has far reaching consequences and often, unforeseen negative results. In our system of checks and balances, it is imperative that the legislature keep a steady watch on that growth, and work to keep it from slowing the progress of Ohioans."

The bill, which would end the Sunset Review Committee and delegate the task of reviewing state agencies to legislative committees, would also emphasize looking at how agencies license people for doing business in certain fields.

"These requirements damage the ability of men and women to enter a field and begin a new profession," he said. "State licensure is among the most onerous forms of regulation and generally serves more as a barrier to entry into business than as a way to protect the public; causing the most harm to individuals with low or moderate

incomes. Licensure should be a last resort, not a go-to fix, so before an agency licenses a profession, we must first know that there isn't any other option."

**Subscribers Note:** Full testimony is available on the committee's website under May 25.

#### Ways & Means

**HB DEVELOPMENT ZONES** (Schuring, K.) To revise the law governing the creation and operation of joint **182** economic development districts (JEDDs) and enterprise zones. (**REPORTED-AMENDED (No testimony)**); 5th Hearing-All testimony-Possible amendments & vote)

Chairman Peterson amended the bill to: remove a prior amendment on a tax break for Nationwide Arena; allow for the use of JEDD funds for "any lawful purpose"; and change language regarding JEDD participation from "substantial" to "material" benefit.

**HB TAX EXEMPTION** (Schaffer, T., Retherford, W.) To exempt the sale of natural gas by a municipal gas **390** company from the sales and use tax. (**REPORTED-AMENDED (See separate story)**); 5th Hearing-All testimony-Possible amendments & vote)

**HBLINKED DEPOSITS** (Schuring, K.) To create the business linked deposit program, to permit credit unions **415** to participate in that program, to permit credit unions to participate in the agricultural linked deposit program, and to make other changes to the linked deposit law. (**CONTINUED**; 1st Hearing-Sponsor)

Sponsor Rep. Schuring said the bill is "not a public deposit bill for credit unions. It is a linked deposit program, allowing the Treasurer of the State to deposit State funds into credit unions for the sole purpose of lending money to specific customers."

Stressing the bill does not create a new program, the sponsor continued, "HB415 will expand this long standing successful program by allowing credit unions to participate in a newly established Business Link program and also in the previously established Ag-Link program under the Treasurer of State."

"Under the legislation, Business Link and Ag-Link will allow credit unions to provide small business loans at below market rate. It also will give businesses access to the necessary capital to gain a competitive edge and maximize growth," Rep. Schuring said.

"By their very nature, credit unions are connected to their communities because they are owned by their members who reside in the community. Because of this, they serve a wide variety of people with different socioeconomic backgrounds. Moreover, credit unions still practice a tradition of banking that I think has been lost in the current times and that is they still put a lot of credence in the character of the individual when making a loan," he added.

"This old fashion way of doing business will make loans more borrower friendly and will have a greater impact in stimulating economic growth."

Mr. Schuring said the bill "will provide Ohio's small businesses access to valuable capital through local credit unions. The loans provided through the program will give businesses a competitive edge and enable them to grow. Most importantly, it will help to boost our local economies, create jobs and help all of Ohio as a whole."

**HB TAX EXEMPTION** (Smith, R.) To specifically exempt digital advertising services from sales and use tax. **466** (**REPORTED (No testimony)**); 3rd Hearing-All testimony-Possible amendments & vote)

**HBTAX EXPENDITURES** (Boose, T.) To create a Tax Expenditure Review Committee for the purpose of **29** periodically reviewing existing and proposed tax expenditures. (**REPORTED-AMENDED (No testimony)**); 4th Hearing-All testimony-Possible amendments & vote)


The panel adopted language proposed by Sen. Coley to increase legislative oversight of administration Controlling Board requests, Chairman Peterson explained.

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Click the  after a bill number to create a saved search and email alert for that bill.

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Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

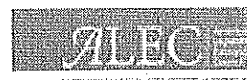
## ALEC Center to Restore the Balance of Government

1 message

American Legislative Exchange Council &lt;avamer@alec.org&gt;

Tue, May 31, 2016 at 1:39 PM

To: latoursm@gmail.com



### Center to Restore the Balance of Power



### BREXIT: More Than 230 Years After the American Revolution, Brits Discover Federalism!

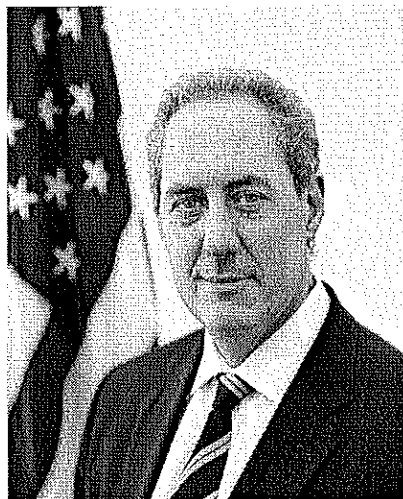
It was amusing, in a car crash sort of way, to hear President Obama solemnly advise our British friends that, really, they must put aside their childish temper tantrum about the European Union (EU), see sense, and vote to uphold the status quo. Amusing, because no [...Read More](#)



### Early Bird Registration ENDS TOMORROW

Join more than 1,200 of your friends and colleagues to discuss trending topics across the states, including privacy, smart cities, free speech and more.

Register Before Prices Increase June 2



### Trans-Pacific Partnership Conference Call June 14

Get answers to your Trans-Pacific Partnership (TPP) and other international trade questions from the official charged with helping to negotiate trade agreements for the United States. Ambassador Michael Froman, U.S. Trade Representative, will partner with ALEC for a conference call to help ALEC members distinguish between the campaign trail hype and reality surrounding international commerce.

**Date:** Tuesday, June 14

**Time:** 1:00 PM - 1:30 PM ET

**Speaker:** U.S. Trade Representative Michael Froman

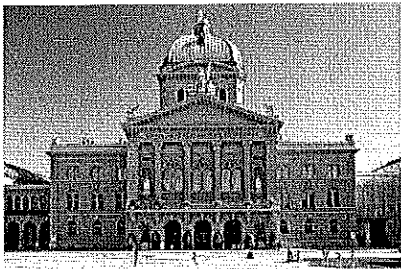
[RSVP for the Call Here](#)

Save the Date - Thursday, June 23 - Washington, D.C. Capitol Hill

The Center to Restore the Balance of Government will celebrate the launch of the newest edition of the **ALEC Article V Handbook** with a panel on the Article V process.

## WANTED: State Legislators to Help Write the Rules for an Article V Convention

**Article V of the Constitution empowers the states to apply to Congress to convene a convention for the specific purpose of drafting a proposed amendment but is silent on the convention's rules. ALEC has model policy addressing the rules of such a convention. If you are a state legislator with a strong commitment to federalism and interest in ensuring that the convention rules honor the Constitutional Framers' intentions, this conference is for you. More information about the meeting is here.**



Hillary Clinton and Bernie Sanders propose increased taxes on the wealthy to fund ambitious federal programs. Donald Trump proposes a tax cut that would reduce revenues by \$10 trillion over the next decade. Trump promises that entitlement spending will be protected, while Clinton and Sanders promise to [...Read More](#)

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Sarah LaTourette Kayser &lt;latourism@gmail.com&gt;

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**New ALEC Constituent Analytics tool**

1 message

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**Ashley Varner** <avarner@alec.org>  
To: "latourism@gmail.com" <latourism@gmail.com>

Mon, Jun 6, 2016 at 2:15 PM

Dear Representative LaTourette,

Last month, ALEC launched an exciting new constituent relationship management tool that vastly improves engagement between lawmakers and their district. It's called the **ALEC Constituent Analytics and Research Exchange (ALEC CARE)**; it's a game-changer, and it comes as a benefit of your ALEC membership.

**Unions and professional activists have been community organizing for decades. It's time we caught up, and ALEC CARE is the great equalizer! ALEC CARE helps you mobilize your community around issues rather than outrage and maintain real relationships with real people.**

Please see below and attached. **Some state legislatures pay for similar services, but they are expensive caucus-wide. This program comes at no additional cost as part of an ALEC membership.**

Can we steal 20 minutes of your time for a quick call and web demonstration? **We are scheduling ongoing demonstrations to show you and your staff how this tool will improve your engagement with your constituents and track policy positions in your district.** Please take a look at the attached PDF and don't hesitate to let me know if you have any questions.

Thank you for your consideration. I hope you'll take part in this game-changing system.

All the best,

Ashley N. Varner

Senior Director, Strategic Communications

avarner@alec.org



17. [How to use the C++11 `std::atomic` library](#)

**ALEC CARE is a constituent relationship management system that helps you engage with your constituents in a way that is more efficient and effective.** ALEC CARE helps members maintain real relationships with real people:



## ALEC Constituent Analytics and Research Exchange (CARE)

*ALEC-CARE helps members maintain real relationships with real people.*

*It is a cooperative platform for legislators to gain insight into their communities and help them better identify, understand and communicate with constituents.*



ALEC-CARE is a game-changing tool for legislators. It is a win-win for everyone involved. Any legislator can partner with a data utility to better understand what issues matter most to their supporters, but ALEC-CARE provides an exclusive, unified system for all members to gather and store information for targeted, insightful and immediate reporting on constituent attitudes and policy positions.

The ALEC-CARE database is comprehensive and dynamic and offers unique information about a legislator's constituents. Insights are continually refined with new data and are organically driven by legislators as they interact and engage with their constituents.

In 2017, ALEC will partially begin sales of new the ability to test and use future offerings. And, in 2017, ALEC-CARE will be offered to all ALEC member legislators as a member benefit.



- Constituent Relationship Management
- Community Feedback
- Customized Surveys



- Events
- Website Integration
- Intelligence Dashboards

*ALEC CARE is an impressive tool. It is what free market legislators have needed for a long time. I'm glad ALEC has stepped up to offer this resource.*  
—Representative Phil King, TX

*ALEC-CARE would be a nice tool for the North Carolina Caucus and would dramatically expand collaboration in my delegation.*  
—Representative Jason Salna, NC



The CRM will be available to all ALEC members in 2017, but is available to target states as part of a beta program--and you are invited!

**You'll be one of the first lawmakers in the country to take part in an exclusive, unified system for legislators to gather and store information about their districts for targeted,**

**insightful and immediate reporting of constituent attitudes and policy positions.**

**ALEC staff would like to give a demonstration to your caucus and set up your accounts.**

Please contact **Ashley Varner, Senior Director of Strategic Communications**, to schedule a demonstration in your state.

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# ALEC

Constituent  
Analytics and  
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Offered as an ALEC membership benefit, ALEC CARE is a web-based system that helps members gain insight into their communities to better understand and communicate with constituents.

ALEC members can utilize constituent outreach tools and data provided by ALEC CARE to:

- **Improve Legislative Office Interactions:** as constituents call, write or visit your office, document their thoughts and build a shared history with them over time.
- **Track District Events:** whether a large town hall or a small meeting, make each moment an opportunity to build a shared future.
- **Solicit Feedback from Constituents:** proactively request and track feedback from the district with surveys in person, over the phone and online.

## Tools included in your ALEC CARE system:



**Editable Constituent Profiles:** better understand and manage constituents with editable profiles for each district resident.



**Customized Surveys:** complete an unlimited amount of surveys for constituent outreach face-to-face, over the phone or online.



**Mobile Access:** gather data with any mobile device that updates the database in real time.



**Integrated Phone System:** live phone calls or automated touch-tone surveys provide additional ways to learn about constituents.



**Text Messaging:** add constituents to mobile contact lists to provide updates or request feedback.



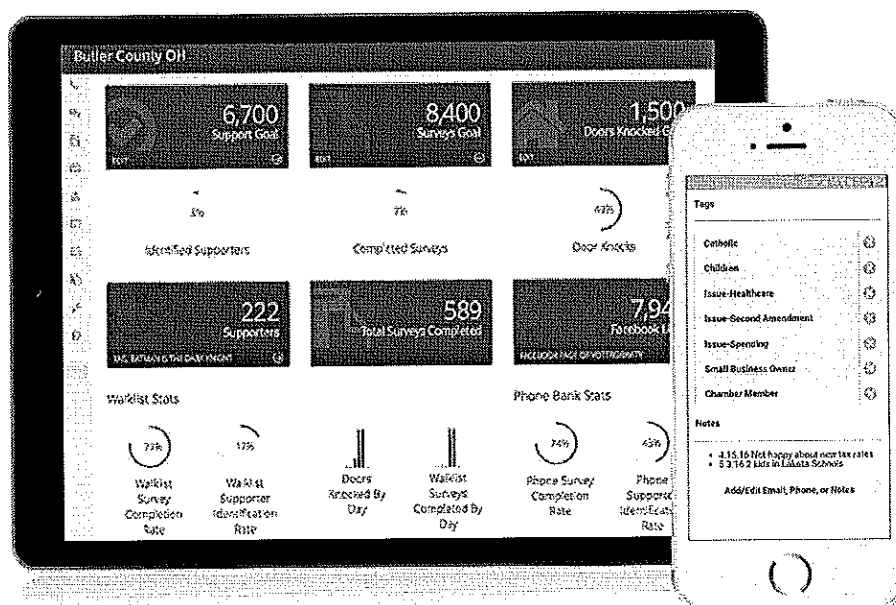
**Integration with Top Web Tools:** automate online efforts with MailChimp, Eventbrite and SurveyMonkey.



**Intelligence Dashboard:** real-time visualization of the most important data.



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Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

## ALEC Center for Innovation and Technology

1 message

American Legislative Exchange Council &lt;avarner@alec.org&gt;

To: latoursm@gmail.com

Tue, Jun 7, 2016 at 12:01 PM

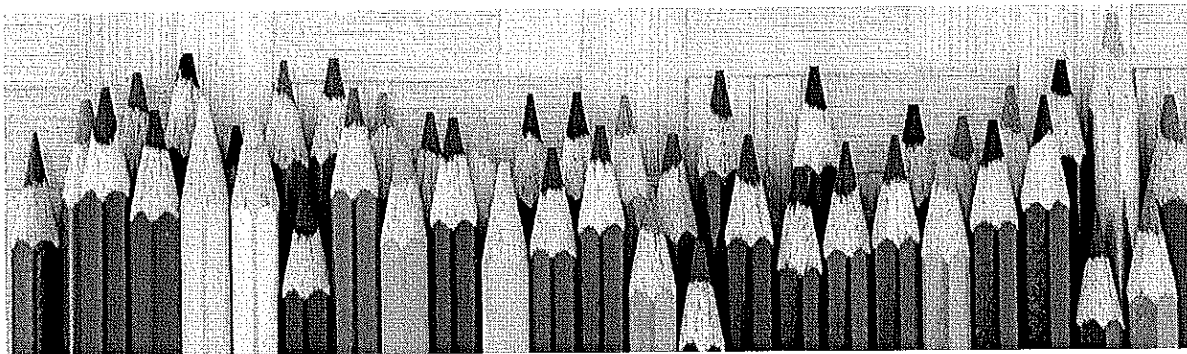


### Center for Innovation and Technology

Policy innovation continues at ALEC! **Make sure to RSVP and mark these important dates on your calendar:**

#### Important Dates

- **June 16 at 3:00 PM EDT** - The first installment of the **three part webinar series** about the ***Every Student Succeeds Act (ESSA)***, featuring ESSA experts D'arcy Phillips of Penn Hill Group and Claire Voorhees from Foundation for Excellence in Education. Register [here](#).
- **June 22 at Noon EDT** - The next **Congressional Series conference call** with **Louisiana Senator Bill Cassidy** who will outline his co-sponsored reform plan titled H.R.5284 – World's Greatest Healthcare Plan Act of 2016. RSVP [here](#).
- **July 27** - The **NEW Payment Reimbursement Reform Subcommittee** will meet at the ALEC Annual Meeting to move forward with its review of Alternative Payment Models.
- **July 27 at 10:00 AM EDT** - The **Homeland Security Working Group** will meet to discuss the current state of cybersecurity, and to discuss school security. Please RSVP by emailing [BCleland@ALEC.org](mailto:BCleland@ALEC.org)
- **July 28 at 10:00 AM EDT** - ALEC/SPN – **Technology Roundtable 2016** will meet at the ALEC Annual Meeting to discuss "The election, the FCC commissioners and the states," "Set top box set-up," "Encryption, the FBI and your 'phone,'" and "Bzzzzzzzzzz! Drone policy is coming." Please RSVP by emailing [BCleland@ALEC.org](mailto:BCleland@ALEC.org)



### Task Force on Education and Workforce Development

In Pittsburgh, Education and Workforce members updated a tax credit scholarship model policy and continued working on solutions for the free speech crisis across many of America's campuses. Task force Director Inez Feltscher **released a well-received State Factor explaining the coming education savings account (ESA) revolution** and introducing three market-based quality control tools that parents will use to implement educational choice.

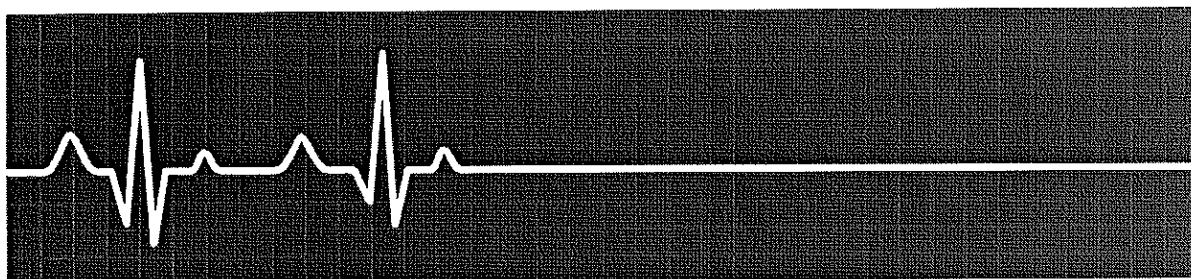
Additionally, members of the task force will have the opportunity to hear from experts on the new federal education law, the ***Every Student Succeeds Act (ESSA)***, through a series of webinars. These webinars will discuss in-depth the new freedoms and responsibilities states will exercise after No Child Left Behind and their waivers expire, as well as answer any questions about the contours of the new law.

**The first installment of the series of three will begin on June 16 at 3:00 PM**, and will feature ESSA experts D'arcy Phillips of Penn Hill Group and Claire Voorhees from Foundation for Excellence in Education. In order to receive log-in details for the webinar, register **here** to find out how ESSA requirements will affect your state's education laws.



### Education Audio: Inez Feltscher on the Education Savings Account (ESA) Revolution

Inez Feltscher, director of the Task Force on Education and Workforce Development, recently joined ALEC members and members of the media to discuss three innovative tools parents can use to optimize their children's Education Savings Accounts (ESAs). The call recording can be found **...Read More**



### Task Force on Health and Human Services

Be sure to mark your calendar for **June 22 at Noon EDT** for the next **Congressional Series conference call with U.S. Senator for Louisiana Bill Cassidy**, who will outline his co-sponsored reform plan titled H.R.5284 – *World's Greatest Healthcare Plan Act of 2016*. The plan serves as a compromise proposal that seeks to enact conservative, market-oriented reforms to the insurance industry, but does not repeal the *Affordable Care Act*. RSVP for the call **here**.

The Task Force on **Health and Human Services Task Force meeting in Indianapolis Friday, July 29** will include presentations and model policy review of potential program response to the opioid epidemic, 1332 Waivers, as well as hearing about best practices for Temporary Assistance for Needy Families (TANF) programs from around the country.

The **Payment Reimbursement Reform Subcommittee** will meet on **Wednesday July 27** and move forward with its review of Alternative Payment Models in anticipation of making recommendations on those most in line with the ALEC mission of limited government, free markets and federalism to the full Task Force. You may register for the meeting **here**.

## HHS Article: Take a look at the "World's Greatest Healthcare Plan"



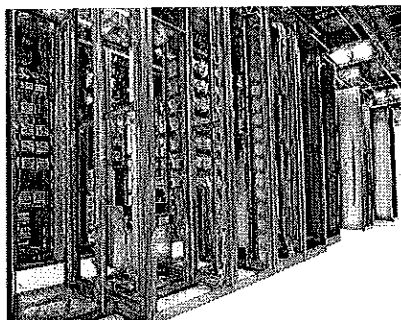
Congressman Pete Sessions (TX-32) and U.S. Senator for Louisiana Bill Cassidy have introduced a Congressional proposal to amend the *Affordable Care Act (ACA)*. The bill, officially titled *Health Empowerment Liberty Plan (HELP)* is being touted by its sponsors as the "World's Greatest Healthcare Plan" and would repeal both the [...Read More](#)



## Task Force on Communications and Technology

After a robust Spring Task Force Summit, the Task Force on Communications and Technology meeting in July will include in-depth discussions on the topics of Daily Fantasy Games, the Federal Communications Commissions' proposed rule restricting how ISPs can gather and use consumer data, along with other topics.

**Insider tip: Exciting news about the Task Force on Communications and Technology coming soon!**



## CAT Article: How the FCC's ISP Privacy Rule Focuses on the Wrong Thing

In its quest to protect consumer privacy, the Federal Communications Commission has failed to do one thing: Focus on consumer privacy. Instead, it focused on the Internet Service Provider; it focused on the type of company handling the data.

Through comments recently filed by the Federal Trade Commission [...Read More](#)

**The 43rd ALEC Annual Meeting hold much to look forward to this summer; please register for the [Annual Meeting](#) as soon as possible!**

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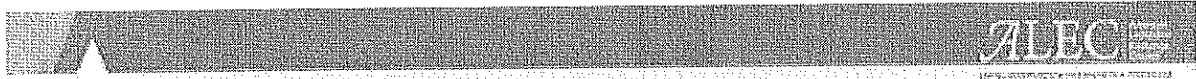
Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

**July 28: ALEC/SPN Technology Roundtable 2016**

1 message

**American Legislative Exchange Council** <avarner@alec.org>  
To: latoursm@gmail.com

Fri, Jun 10, 2016 at 4:39 PM

To view this email as a web page, go [here](#).

You are Invited

**ALEC / SPN Technology Roundtable 2016**

**Thursday, July 28**  
10:00 AM - 11:00 AM  
JW Marriott, Room 207

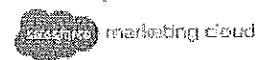
**Topics:***The election, the FCC commissioners and the states**Set top box set-up**Encryption, the FBI and your "phone"**Bzzzzzzzzzz! Drone policy is coming*

**Please join us**  
RSVP at [bcleland@alec.org](mailto:bcleland@alec.org)

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Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

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**Ohio Report, Thursday, June 23, 2016**

1 message

**Gongwer News Service** <gongwerreports@gongwer-oh.com>

Thu, Jun 23, 2016 at 5:56 PM

To: sml@sarahlatourette.com

**GONGWER** Ohio  
The Record of Capitol Square Since 1906**Ohio Report for Thursday, June 23, 2016**

Kasich Names Democratic Attorney To PUCO; Faber Calls For Hearings

U.S. Supreme Court Upholds Affirmative Action Admission Policies; Deadlocks On Obama Immigration Plan

Bipartisan Coalition Launches Ohio Campaign To 'Restore Civility' To Politics

Federal Judge Overturns RNC Protest Restrictions In Cleveland; DNC Lawsuit Filed

Politics Notebook: Strickland Meets With Planned Parenthood; Ad Wars Continue; Dems Tout High Court Race Polling; Survey Finds Most Ohioans Oppose Transgender Bathroom Rights...

Agency Briefs: 10 Ohio Agencies Receive HUD Grants; Changes Planned For Milo's Capitol Café; Labor Force; OTIC; Lt. Governor, SOS, DVS

Governor's Appointments

Supplemental Agency Calendar

Supplemental Event Planner

**Activity Reports**

Senate

**Calendars**

Day Planner

Legislative Committee Schedules


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**4 attachments**

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 **Jun23.htm**  
44K

 **Jun24Schedule.htm**  
4K



**GONGWER** Ohio  
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## Senate Activity for Thursday, June 23, 2016

DELIVERED TO THE GOVERNOR


**SB PUBLIC RECORDS (Faber, K.)** To create a procedure within the Court of Claims to hear complaints **321** alleging a denial of access to public records, to modify the circumstances under which a person who files a mandamus action seeking the release of public records may be awarded court costs and attorney's fees, to expand the infrastructure record exemption under Public Records Law, and to generally protect a private, nonprofit institution of higher education from liability for a breach of confidentiality or other claim that arises from the institution's disclosure of public records.

17 S. High St., Suite 630

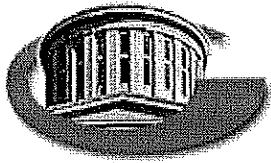
Columbus Ohio 43215

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Scott Miller, President | Alan Miller, Vice President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

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**GONGWER** Ohio  
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## Daily Activity Planner for Friday, June 24

### Legislative Committees

No legislative committees scheduled.

### Agency Calendar

**BWC Board of Directors**, 30 W. Spring St., Level 2, Rm. 3, Columbus, 8 a.m.

**Attorney General's Advisory Committee on Crime Victims with Disabilities**, 17th Fl., 30 E. Broad St., Columbus, 1 p.m.

### Event Planner

**Democratic lawmakers news conference call on LGBT rights legislation**, 10 a.m.

**Summer Fridays at the Statehouse concert**, West Steps, Statehouse, Columbus, 12 p.m., (OhioDance)

17 S. High St., Suite 630  
Columbus Ohio 43215

**Phone:** 614-221-1992 | **Fax:** 614-221-7844 | **Email:** [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

Scott Miller, President | Alan Miller, Vice President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

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# GONGWER Ohio

The Record of Capitol Square Since 1906

## Volume #85, Report #121 -- Thursday, June 23, 2016

### Kasich Names Democratic Attorney To PUCO; Faber Calls For Hearings

The Public Utilities Commission of Ohio will again have a Democratic member if Gov. John Kasich gets his way.

But the appointment of longtime energy attorney M. Howard Petricoff, which the governor announced Thursday, has prompted some resistance in the Senate.

Mr. Petricoff is the first Democrat the governor has put forward for the post during his governorship. Not including Mr. Petricoff, the governor has filled at least eight commissioner seats since 2011 with five Republicans and three independents. Two of those were reappointments.

Mr. Petricoff's appointment, which is subject to Senate approval, marks the first time in more than a year that a Democrat has sat on the panel, which by law must have no more than three members from either political party. The panel currently consists of two Republicans and two independents.

Gov. Kasich announced the appointment one week after receiving a short list of four finalists - three Republicans and one Democrat - from the PUCO nominating council. (See Gongwer Ohio Report, June 16, 2016)

"With decades of experience in utility and energy law, Howard Petricoff is exceptionally well versed in how these issues impact economic growth and job creation. I look forward to the expertise he will bring to the commission," Gov. Kasich said in a statement.

But in a statement shortly after the governor's announcement, Senate President Keith Faber (R-Celina) called for formal hearings on the appointment.

"Senators have expressed some concerns about Mr. Petricoff's inability to hear many of the cases pending before the commission due to conflicts of interest involving past legal work, as well as raised questions about his ability to make neutral decisions given his past activism," Sen. Faber said. "It's important that we address these issues before granting our consent to this appointment, and I have asked the chairman of our Public Utilities Committee to conduct formal hearings to that end."

Prior to Mr. Petricoff, the last Democrat to sit on the PUCO was former commissioner Steven Lesser, who was appointed by former Gov. Ted Strickland and served until his term expired in April 2015. (See Gongwer Ohio Report, February 20, 2015)

Gov. Kasich opted against reappointing Mr. Lesser, instead selecting former commissioner Andre Porter, whose resignation earlier this year opened up the vacancy Mr. Petricoff aims to fill.

The lack of Democratic representation has been a sore spot for the liberal party. Senate Democrats in February voted against Mr. Porter's reappointment in a show of protest against the committee's makeup. (See Gongwer Ohio Report, February 23, 2016)

And Rep. David Leland (D-Columbus) in March 2015 authored a bill (HB 122) to require both parties be represented on the PUCO. The bill was assigned to the House Government Accountability & Oversight



Committee where it has not been heard. (See Gongwer Ohio Report, May 20, 2016)

Rep. Leland welcomed Mr. Petricoff's appointment.

"Mr. Petricoff is a knowledgeable, talented and experienced selection for a position that must balance multi-billion dollar decisions with the best interests of consumers and our state," he said in a statement. "I applaud the governor's decision that effectively restores bipartisanship to one of our state's most important oversight panels."

Mr. Petricoff has spent four decades in the energy field, most of which as an attorney for Vorys, Sater, Seymour and Pease. He also spent two decades as a special assistant attorney representing Ohio universities on power plant and gas pipeline issues.

He's currently an adjunct professor of natural resources and energy law at Capital University and is co-director of the school's Midwest Energy Law and Policy Center. He's spent previous stints on the Oil and Gas Commission (2005-12) and as chair of the Ohio State Bar Association's natural resources committee (2005-06).

Mr. Petricoff was among 19 to apply for the seat. Other finalists included the term limited Rep. David Hall (R-Millersburg), energy lobbyist Sam E. Gerhardstein of Marysville, and Department of Administrative Services Deputy Director Gregory L. Williams of Westerville. (See Gongwer Ohio Report, June 2, 2016)

Reaction to the appointment was positive, with Ohio Manufacturers' Association President Eric Burkland signaling support for the appointment shortly after the announcement.

"Petricoff's appointment to the PUCO is positive and welcome news for Ohio manufacturers," Mr. Burkland said. "He brings to his new post at the commission more than three decades of valuable institutional history and deep industry expertise that will enable him to fairly and effectively balance the needs of energy customers and energy suppliers alike."

NFIB/Ohio likewise said it supports the appointment.

"The cost of energy plays a significant role in doing business in Ohio, and the PUCO is an important partner in economic development for small business owners," Vice President and Executive Director Roger Geiger said.

U.S. Supreme Court Upholds Affirmative Action Admission Policies; Deadlocks On Obama Immigration Plan

Two key high court decisions Thursday triggered responses from state officials, including a ruling in favor of affirmative action that was lauded by the president of Ohio State University.

In that ruling, the U.S. Supreme Court found that university admissions policies that take the race of the applicant into consideration are not unconstitutional.

The 4-3 decision authored by Justice Anthony Kennedy found that affirmative action does not violate the equal protection clause.

"It remains an enduring challenge to our nation's education system to reconcile the pursuit of diversity with the constitutional promise of equal treatment and dignity," Justice Kennedy wrote.

He was joined in his decision by Justices Ruth Bader Ginsburg, Sonia Sotomayor and Stephen Breyer. Justice Elena Kagan recused herself because she worked on the case while serving as Solicitor General.

In a dissenting opinion, Justice Samuel Alito called affirmative action "systemic racial discrimination."

"What is at stake is whether university administrators may justify systematic racial discrimination simply by asserting that such discrimination is necessary to achieve 'the educational benefits of diversity,' without explaining - much less proving - why the discrimination is needed or how the discriminatory plan is well crafted to serve its objectives," he wrote.

The ruling was cheered by several Ohio leaders, including Ohio State University President Michael Drake.

"Ohio State is committed to the principle that academic excellence is not possible without a diverse and inclusive community. For four decades, the U.S. Supreme Court has repeatedly recognized that diversity is a vital part of the higher education experience and a legitimate pursuit for colleges and universities. While we will take time to carefully analyze the ruling, we are pleased that today's opinion reaffirms this principle," he said.

"As a physician and medical researcher, I have seen firsthand how emphasizing inclusiveness in medical education translates into more effective and comprehensive research and medical care for our diverse society. In our university labs and classrooms, diversity sparks innovation, strengthens cultural understanding, amplifies creative work, broadens scholarly benefits to society and produces more competent workers and thinkers."

Rep. Alicia Reece (D-Cincinnati), president of the Ohio Legislative Black Caucus, said that the ruling "reaffirms that higher education can continue to be a path out of poverty for the many historically disadvantaged Americans."

"I am pleased that some of our most basic American values - the equal opportunity to pursue an education and an appreciation for our nation's diversity - are being upheld to ensure generations of Americans have the opportunity to carve their own path toward greatness," she said.

"From the bold action and leadership that accompanied our nation's civil rights movement to today's Supreme Court ruling, the greatest nation on earth is ensuring millions of Americans are able to live up to their fullest potential by turning the American Dream into a reality."

Ohio Democratic Party Chairman David Pepper also weighed in on the decision.

"It has been more than three months since President Obama nominated the eminently qualified Judge Merrick Garland to the U.S. Supreme Court, and to date Sen. Rob Portman has refused to uphold his constitutional duty by considering the nominee," he said. "Today's tie decision is yet another reminder that Portman should do his job and let Garland's nomination move forward with an up-or-down vote. Millions of families are being left in limbo because Portman chooses to push the agenda of Washington power brokers and well-connected special interests, rather than doing his job."

**Immigration:** In another major case, the high court deadlocked 4-4 over a challenge to an executive order issued by President Barack Obama.

The tied court upholds an appeals court decision that found the Deferred Action for Parents of Americans to be unconstitutional. The executive action would have protected millions of illegal immigrants from deportation.

Attorney General Mike DeWine, who signed on to the lawsuit initiated by the state of Texas, downplayed the role immigration played in the case, saying instead it was about an overreach by the executive branch.

"This case has never been about immigration, but instead about preserving our Constitution's separation of powers," he said. "I am pleased with the outcome of today's decision because this is yet another judicial rebuke of the frequent overreach by the Obama Administration. The issue in this case is not the underlying policy, but the fact that the president had no authority to take these actions."

Nevertheless, Ohio's Voice Director Lynn Tramonte said the decision stemmed from "political gamesmanship."

"Today's tie is a harsh blow to thousands of Ohio immigrants who work hard and just want a chance to get their papers," she said. "This is not the end of the case. But it means that, for now, taxpaying immigrants with U.S. citizen children will continue to live in uncertainty."

Ms. Tramonte said pro-immigration advocates will continue to fight the case through the courts and the ballot box.

"Republicans are attacking our families, friends and neighbors," she said. "They are attacking people who only want to work and raise their families, and we're not going to take it."

Rep. Bob Latta (R-Bowling Green) hailed the ruling, calling it a victory for the separation of powers.

"Today's decision by the Supreme Court is a victory for those that believe in the separation of powers as outlined in the Constitution. It was clear when the president issued his executive order on immigration that he had greatly exceeded his authority and imposed a Band-Aid on an issue that needs real solutions. Unfortunately, his go-it-alone approach has damaged substantive efforts in Congress to secure our borders and fix a badly broken immigration system," he said.

"Thankfully, the courts have ruled this unilateral executive action unlawful and the order null and void. I'm committed to ensuring that any action to pass meaningful immigration reform will be done with the full vetting, input, and support of the American people."

### Bipartisan Coalition Launches Ohio Campaign To 'Restore Civility' To Politics

Current and former lawmakers from both parties joined representatives of the National Institute for Civil Discourse Thursday to launch a campaign aimed at combating the upcoming wave of negative political advertising targeting the Buckeye State.

Sen. Frank LaRose (R-Copley) and Rep. Denise Driehaus (D-Cincinnati) were among a handful of advocates present for the Statehouse unveiling of the new campaign. Called #ReviveCivility, the effort aims to equip Ohioans with online tools to resist negative campaign tactics and to encourage candidates and voters to take the high road.

The effort is fueled by heated rhetoric and personal attacks in the presumptive matchup between Democratic presidential candidate Hillary Clinton and her Republican counterpart Donald Trump.

Sen. LaRose said political discourse too often descends into something more akin to a WWE wrestling match or reality TV show. He said respectful discussion between those that disagree isn't about abandoning one's principles but rather making one a more effective legislator.

"I think we're all Ohioans, we're all American and we should work together to solve problems," he said. "Compromise isn't dirty word. It's how statesmen and women solve problems."

Rep. Driehaus urged citizens and elected leaders to surround themselves with friends of opposing views and not to "be content to stand on partisan sidelines."

"What we are attempting to do is steer those conversations into a productive conversation instead of seeing them devolve into negative conversations that really get us nowhere," she said. "The animosity between everyday people with opposing views can be very destructive."

The NICD was formed in Arizona in the wake of the 2011 shooting of former U.S. Rep. Gabrielle Giffords (D-Ariz.). But since the 2016 election season began the partisan dynamic in politics has only grown more severe, said NICD Director of State Programs Ted Celeste.

"The discourse at the presidential level has only gotten worse," Mr. Celeste said. "And clearly Ohio is in the heart of it all being a swing state in 2016."

In addition to the website, which includes a conduct pledge for voters and candidates, Mr. Celeste said the group will lobby the Commission on Presidential Debates for a more respectful debate process than that organized by the Republican and Democratic parties during the primaries.

Also joining the Ohio effort are former lawmakers and members of the media. Former congressman Zachary Space said partisan gridlock had already gripped Congress during his service from 2006-10.

"That inability to debate issues has been exacerbated in the last six years," he said. "Things like name calling... and pandering to basal instincts and tearing one another down - both as parties and individuals - have all lead to a government where dysfunction and gridlock have become the norm."

*Akron Beacon Journal* Managing Editor Doug Oplinger also spoke, urging the media to recognize its role in the current political landscape.

The *Beacon Journal* and other Ohio media outlets have partnered in the yearlong "Your Vote Ohio" project to conduct polling to better guide their work in holding candidates accountable and elevating the political conversation, he said.

That followed polling which showed a sizeable share of the public believes the media is at least partly responsible for the current political climate. Now, Mr. Oplinger said, the group is hoping to mitigate the effect negative ads will have on Ohioans moving forward.

"You can't stop the negative ads, but maybe the news media can help you neutralize them, to digest them and to fight back in some way," he said.

"We've got a problem in the news media," he continued. "The public thinks we are the problem. We have an opportunity to do something and something really cool is happening in Ohio."

#### Federal Judge Overturns RNC Protest Restrictions In Cleveland; DNC Lawsuit Filed

A federal judge ruled Thursday that the city of Cleveland's planned "event zone" and its accompanying restrictions of demonstrations for the Republican National Convention in Cleveland violate the U.S. Constitution.

The ACLU - on behalf of Citizens for Trump, Organize Ohio, and the Northeast Ohio Coalition for the Homeless - sued the city earlier this month. The lawsuit argues the 3.3 square mile zone, which includes most of the downtown area, is too large and the accompanying security measure too restrictive.

Additional security measures were to be in place in the zone - including restrictions on backpacks, rope, and tents and more - along with limitations on parades and demonstration that opponents said would hamper protests or other free speech events and harm homeless residents.

U.S. District Court Judge James Gwin agreed Thursday, referring the case to Judge Dan Aaron Polster for mediation just 25 days before the July convention is set to begin.

The judge hadn't issued a written ruling as of midafternoon Thursday, but during a morning hearing granted a preliminary injunction in favor of the ACLU. Attorneys for both sides are already meeting to reach new rules for the convention, ACLU spokesman Stephen David said.

"We are really glad to see that he shares our concerns around the excessive breadth of the city's restrictions around the RNC, especially for things like the size of the event zone, the parade routes and restrictions on items people could carry on that area," Mr. David said.

When filing the lawsuit, ACLU of Ohio Executive Director Christine Link called the rules for demonstrations "arbitrary, unnecessary and unjustifiable." (See [Gongwer Ohio Report, June 14, 2016](#))

A spokesman for the city of Cleveland did not immediately respond to a request for comment, but city attorneys voiced their intent to appeal during the hearing, according to Mr. David.

Also Thursday, the ACLU of Pennsylvania filed a similar lawsuit against the city of Philadelphia regarding restrictions the city plans to put in place during the July Democratic National Convention.

That suit, filed in the U.S. District Court Eastern District of Pennsylvania, was filed on behalf of the Poor People's Economic Human Rights Campaign, which was denied a permit for a downtown march.

"Political conventions are a time when the nation's attention is focused on the problems facing our country," ACLU of Pennsylvania Executive Director Reggie Shuford said. "It is vital to our democracy that there be every opportunity for public participation in that national conversation."

Politics Notebook: Strickland Meets With Planned Parenthood; Ad Wars Continue; Dems Tout High Court Race Polling; Survey Finds Most Ohioans Oppose Transgender Bathroom Rights...

Gov. Ted Strickland was joined by Planned Parenthood Federation of America President Cecile Richards in discussing women's health issues Thursday during a roundtable at the Ohio Democratic Party's headquarters.

The former governor, who is trying to unseat incumbent U.S. Sen. Rob Portman (R-Terrace Park), reiterated his pro-abortion rights stance during the event.

"I believe that a woman's health care decision should be between the woman and her doctor and anyone else that she chooses to involve in that decision," he said.

He contrasted that position with that of his opponent, who he said would like to see *Roe v. Wade* overturned and the Affordable Care Act repealed.

Ms. Richards said the repeal of the ACA would have major implications for women.

"Being a woman is no longer a preexisting condition in America," she said, also noting that the law provides women access to birth control with no co-pay, which saved \$1.4 billion in costs in its first year in effect.

Both also lamented what they view as attacks on Planned Parenthood both in Ohio and across the country.

"Planned Parenthood holds a very special place in the life of this country when it comes to women and men as well, because of this matter of trust," Mr. Strickland said.

"We can only be the public health care provider we want to be if we have partners in government," Ms. Richards added.

Portman campaign spokeswoman Michawn Rich pushed back on the notion that the Democrat was a better option for women.

"Ted Strickland and his allies are desperate to distract from the fact that he has the worst record of any Senate candidate in America. When Strickland was governor, Ohio lost more than 350,000 jobs and ranked 48th in job creation. He was also repeatedly criticized for paying women in top state jobs less than men and only making 37 percent of his appointments women," she said in an email.

"On the other hand, Rob supports equal pay for equal work and believes it is wrong for a woman to get paid less for the same work - in fact, he voted for paycheck fairness and is a cosponsor of Sen. Kelly Ayotte's equal pay legislation. This Senate race offers the voters of Ohio a clear choice: a brighter future with Rob's pro-growth policies for better wages and more jobs or a return to Ted Strickland's failed policies of higher taxes, burdensome regulations, and bigger government."

Ohio Right to Life responded to Ms. Richards's visit with a scathing email to supporters.

"On average, Cecile Richards, CEO of Planned Parenthood, rakes in over half a million dollars in annual income, all while promoting and providing abortion-on-demand over 300,000 times every year," the group stated.

"As a reminder, this is the same woman who, nearly a year ago, apologized for the gruesome descriptions found in undercover footage of her top medical director discussing the trade of aborted fetal body parts over wine and salad. Later, she fumbled trying to explain the apology, caught in the PR scandal of a lifetime."

"As Ted Strickland and the Democratic Party parade pro-abortion corporatism here in Columbus, we are reminded of the profuse importance of voting pro-life. We are reminded of the horrors of last year's revelations - revelations that seared the images of aborted hearts, livers, and lungs into the American perception of Planned Parenthood and the abortion industry," ORTL added.

**New Ads:** In other developments involving the U.S. Senate race, both the Portman and Strickland campaigns released new digital ads with a "Shame" theme.

The Portman for Senate Campaign's web ad, "Shameful," details "Ted Strickland's awful record of refusing to hold China accountable and exposing Ted and his out-of-state liberal allies' latest hypocritical claims on trade," according to the campaign.

The Republican's camp said the spot started playing statewide on Thursday "and is further proof Ted Strickland's low-energy, 'invisible' campaign and awful record can't continue to hide behind the millions of dollars from Harry Reid's dark money Super PAC."

In response, the Strickland camp released a digital ad titled "Shameless," which purports to illustrate the incumbent's "record of supporting job killing trade deals."

"The only time Sen. Portman has stood up to China is when he got out of his chair to cut trade deals with them," Strickland campaign spokesman David Bergstein said. "For Portman, there is no escaping the video evidence: he has a decades long, unabashed record of supporting unfair, job killing trade policies that have outsourced hundreds of thousands of Ohio jobs to places like China."

**Presidential Race:** Fresh off a visit to Columbus and ahead of a stop on Monday in Cincinnati, Hillary Clinton announced the support of a list of what her campaign described as a "prominent, bipartisan group of business leaders" that includes Richard Anderson, executive chairman of Delta Air Lines, Inc.

"Our campaign continues to hear from a wide range of business leaders like these from around the country who believe Hillary Clinton understands the complex world we live in and is proposing serious solutions," the campaign stated.

Meanwhile, the Ohio Republican Party sought to raise money off of the Democrat's forays into the state.

"Yesterday, she announced ultra-liberal Senator Elizabeth Warren is coming to Cincinnati with her next week for a fundraiser," ORP Chairman Matt Borges said in a fundraising email. "We have to fight back because Ohioans don't want a third term for Obama as we expect a Clinton presidency to be more of the same - more spending, bigger government and higher taxes."

**Supreme Court Races:** The Ohio Democratic Party on Thursday released results from a poll by Lake Research Partners that found the two party hopefuls for Ohio Supreme Court "strongly positioned" to win the open seats in November.

Democratic Appeals Court Judge Cynthia Rice faces GOP Appeals Court Judge Pat DeWine and Common Pleas Court Judge John O'Donnell is up against Appeals Court Judge Pat Fischer.

"At the outset, support for O'Donnell outpaces support for Fischer by a substantial 14-point margin. However, with O'Donnell at 21% and Fischer at just 7%, nearly two-thirds of voters are undecided (65%)," the polling group stated in a memorandum.

"In the other open seat race for the Ohio Supreme Court, Cynthia Rice and Pat DeWine are locked within the margin of error (22% for Rice to 24% for DeWine), also with a large number of voters undecided (37%)."

In a related development, the Ohio Manufacturers' Association announced its endorsement of Republicans for the high court, including the unopposed Chief Justice Maureen O'Connor.

"The court can have a tremendous impact on the business climate in Ohio, and these highly qualified judges are the best candidates for Ohio's manufacturers and businesses," OMA-PAC Chairman, Scott Balogh, president & CEO of Mar-Bal, Inc., said in a statement. "Each candidate is committed to upholding the Constitution and strictly interpreting the law, not legislating from the bench."

**Quinnipiac Poll:** Further data from the recent swing state poll conducted by Quinnipiac University focused on issues such as the Zika virus and transgender bathroom facilities, with Ohio registering the most opposition on the latter.

The poll found that Ohio voters by a 48-43% margin believe transgender people should not be allowed to choose a bathroom. Most voters in Florida and Pennsylvania supported that right, but results from all three states found a majority opposed to forcing schools to make such accommodations.

"Voters in Florida, Ohio and Pennsylvania oppose the federal government order to public schools that they must let transgender students use the bathroom of the gender with which they identify. But they are split roughly evenly on whether these students should be able to use whatever bathroom they choose," Peter Brown, the poll's assistant director, said in a release.

The poll also found concerns among voters in each state over the Zika virus, with only a slim majority saying the U.S. Olympic team should compete in Brazil this summer,

**Columbus Charter Vote:** Democratic Mayor Andrew Ginther called Thursday for Columbus voters to reject a charter amendment creating an expansion of city council based on a new ward system.

"Issue 1 on the August 2nd special election ballot will mandate a council of up to 25 members, with 3 elected by all voters and up to 22 elected from wards. Issue 1 will cost taxpayers \$260,000 a year per council office, more than \$6,500,000 a year with 25 councilmembers," the mayor said in an email.

"Issue 1 will dramatically decrease minority representation on council. At a time when other cities look to Columbus as the blueprint for success, why would we gamble our future on an expensive, risky idea like Issue 1 - a plan modeled after cities like Chicago, Detroit and Washington, DC."

Former Republican Mayor Greg Lashutka also recently expressed his opposition to the charter change in a letter to the editor published in the *Columbus Dispatch*.

Agency Briefs: 10 Ohio Agencies Receive HUD Grants; Changes Planned For Milo's Capitol Café; Labor Force; OTIC; Lt. Governor, SOS, DVS

The U.S. Department of Housing and Urban Development announced more than \$42 million in housing counseling grants around the country, including 10 Ohio agencies slated to receive a total of \$209,297.

The grants and extra funding they will leverage will help more than 1.4 million people find housing, keep their homes or make informed decisions, according to HUD.

The entities receiving grants in Ohio include local housing authorities and nonprofit fair housing advocates.

"Housing counselors provide potential homeowners with the tools they need to ensure they're ready and responsible," HUD Secretary Julian Castro said in a statement. "Their efforts give countless families a real shot at the American Dream of homeownership. The counseling organizations HUD supports are on the front lines in providing the full spectrum of services households need - from locating affordable rental housing, offering advice on how to become a homeowner, and preventing foreclosure."

Much of the funding that goes to national and regional organizations will be distributed to local agencies to help families obtain affordable housing, according to HUD.

**Ohio Statehouse:** The Capitol Café by Milo's will be replaced by Graze Seasonal Market Grill in July, the Capitol Square Review and Advisory Board announced.

Milo's will close Tuesday, July 5, and Graze will open Monday, July 11. The new restaurant will be managed by the same team and will be open the same hours, 8 a.m. to 3 p.m.

Graze will be a farm-to-table restaurant with a casual atmosphere, partnering with 60 farms across the state. It will include a build-your-own-item line and a menu of rotating specials.

**Labor Force:** Unemployment rates fell in 76 of Ohio's 88 counties and rose in six in May, according to data from the Department of Job and Family Services. Jobless rates ranged from 2.9% in Mercer County to 10.8% in Monroe County.

Unemployment rates in 10 counties were lower than 3.5% in May, with Mercer at 2.9%, Holmes County at 3.2%, Auglaize, Delaware and Putnam counties at 3.3%, Hancock and Wyandot counties at 3.4% and Darke, Madison and Union counties at 3.5%.

A total of six counties saw unemployment rates above 7.5%, led by Monroe County's 10.8%, followed by Jefferson County at 8.2%, Noble County at 7.8%, Meigs and Morgan counties at 7.7% and Harrison County at 7.6%.

**Turnpike/Infrastructure Commission:** Fitch Ratings affirmed ratings on the OTIC's turnpike revenue bonds, giving an AA rating to \$526 million in senior lien revenue bonds and an A+ rating to \$1.04 billion in junior lien revenue bonds.

The ratings reflect the turnpike's long-term traffic stability and growth in revenue, the ratings agency firm said.

**Lt. Governor:** Mary Taylor announced the launch of an electronic toolkit to help small businesses deal with regulatory issues and other matters. Part of the Common Sense Initiative, the toolkit gives businesses information on the rule review process and using CSI to deal with regulatory challenges.

"We have made great progress reforming Ohio's regulatory environment through CSI," Lt. Gov. Taylor said in a statement. "But our progress is enhanced when small business owners take part in the CSI process. The CSI Small Business Toolkit gives them the information they need in a simple, accessible way and I hope it leads to even more business participation."

**Secretary of State:** Jon Husted announced military and overseas voting has started for the Aug. 2 special election. The election includes local issues in Auglaize, Butler, Coshocton, Cuyahoga, Darke, Delaware, Erie, Fairfield, Franklin, Fulton, Geauga, Hamilton, Licking, Lorain, Mahoning, Medina, Mercer, Montgomery, Ottawa, Portage, Sandusky, Shelby, Stark, Trumbull and Summit counties.

**Veterans Services:** The department is accepting nominations for the Ohio Veterans Hall of Fame Class of 2016 through June 30. The hall of fame, established in 1992, was designed to recognize veterans for community service after their military service ended.

Nomination guidelines and forms are available online.

Governor's Appointments

**Public Utilities Commission of Ohio:** M. Howard Petricoff for a term beginning June 23, 2016 and ending April 10, 2020.

Supplemental Agency Calendar



**Friday, June 24**

**Attorney General's Advisory Committee on Crime Victims with Disabilities, 17th Fl., 30 E. Broad St., Columbus, 1 p.m.**

**Wednesday, June 29**

Board of Building Appeals, Training Rm. 1, 6606 Tussing Rd., Reynoldsburg, 12:30 p.m.

**Thursday, June 30**

Board of Building Appeals, Training Rm. 1, 6606 Tussing Rd., Reynoldsburg, 8 a.m.

Capitol Square Review & Advisory Board, State Rm. (108), Statehouse, Columbus, 10 a.m.

Supplemental Event Planner

**Friday, June 24**


Democratic lawmakers news conference call on LGBT rights legislation, 10 a.m.

17 S. High St., Suite 630

Columbus Ohio 43215

**Phone:** 614-221-1992 | **Fax:** 614-221-7844 | **Email:** [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

Scott Miller, President | Alan Miller, Vice President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

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Legislative Committee Schedules beginning 6/24/2016


## **Monday, June 27**

**Joint Committee on Agency Rule Review** (Committee Record) (Chr. Uecker, J., 466-4086), Senate Finance Hearing Rm., 1:30 p.m.

## **Wednesday, June 29**

**Joint Legislative Committee on Multi-System Youth** (Chr. Gardner, R., 466-8060), Senate Finance Hearing Rm., 10 a.m.

- The report of recommendations is scheduled for adoption by the committee. Following the committee hearing, a press conference will be held in the Harding Room of the Statehouse featuring youth and families impacted by the recommendations.

**NOTE:** Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the  after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

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Columbus Ohio 43215

**Phone:** 614-221-1992 | **Fax:** 614-221-7844 | **Email:** [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

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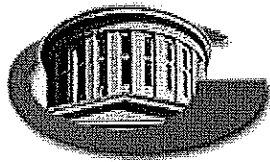
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## Ohio News & Opinion For June 24, 2016

### News

Government administrators aim to go lean at Ohio conference (Associated Press, 6/24/2016)

Inmate walks off job site in Logan (Athens Messenger, 6/24/2016)

Donald Trump finally hires Ohio campaign manager (Cincinnati Enquirer, 6/24/2016)

Hillary Clinton coming to Cincinnati Monday with Elizabeth Warren (Cincinnati Enquirer, 6/24/2016)

Poll: Ohio divided on transgender bathrooms (Cincinnati Enquirer, 6/24/2016)

Judge overturns Cleveland's restrictions on RNC protests: Ohio Politics Roundup (Cleveland Plain Dealer, 6/24/2016)

Ohio Democrats to push package of gay rights bills: What to watch for Friday (Cleveland Plain Dealer, 6/24/2016)

Proposed amendment advocating prayer in Ohio schools rejected on technicality (Cleveland Plain Dealer, 6/24/2016)

Rob Portman to help rehabilitate homes for Habitat for Humanity during Republican National Convention (Cleveland Plain Dealer, 6/24/2016)

Kasich's Democratic pick for PUCO raises Statehouse concerns over 'past activism' (Columbus Business First, 6/24/2016)

Advocates seek return to civility amid caustic campaign (Columbus Dispatch, 6/24/2016)

Campaign veteran Bob Paduchik to lead Trump's Ohio campaign (Columbus Dispatch, 6/24/2016)

Ohio recognized for cutting government red tape, saving money (Columbus Dispatch, 6/24/2016)

Ohioans in poll oppose choice for transgender bathroom use (Columbus Dispatch, 6/24/2016)

State to crack down on drunken boating (Columbus Dispatch, 6/24/2016)

Voters support Ohio library building boom (Dayton Daily News, 6/24/2016)

Advocates call for more civility in election discourse (Toledo Blade, 6/24/2016)

### Editorials

7/24/2018

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Gun violence and GOP inaction (Akron Beacon Journal, 6/24/2016)

Cleveland's onerous restrictions on RNC protests must go: editorial (Cleveland Plain Dealer, 6/24/2016)

Dump Trump effort, revived: Editorial Board Roundtable (Cleveland Plain Dealer, 6/24/2016)

SEIU's \$15 minimum wage issue targets Cleveland for all the wrong reasons: Brent Larkin (Cleveland Plain Dealer, 6/24/2016)

Many owe their lives to Coleman (Columbus Dispatch, 6/24/2016)

Can't 97 senators pass a bill? (Toledo Blade, 6/24/2016)

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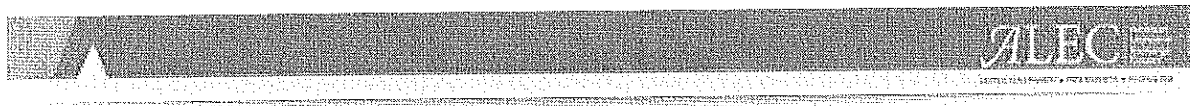
**July 28: ALEC/SPN Technology Roundtable 2016**

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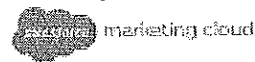
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You are Invited

**ALEC / SPN Technology Roundtable 2016  
During the 43rd ALEC Annual Meeting****Thursday, July 28**  
10:00 AM - 11:00 AM  
JW Marriott, Room 207  
Indianapolis**Topics:***The election, the FCC commissioners and the states**Set top box set-up**Encryption, the FBI and your "phone"**Bzzzzzzzzzz! Drone policy is coming***Please join us**  
RSVP at [bcleland@alec.org](mailto:bcleland@alec.org)This email was sent to: [latoursm@gmail.com](mailto:latoursm@gmail.com)This email was sent by: American Legislative Exchange Council  
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## News

How will medical marijuana affect your workplace? (Cincinnati Enquirer, 7/1/2016)

Obamacare tax hike scheduled to hit refugees next year, but Sens. Brown, Portman want to stop it (Cleveland Plain Dealer, 7/1/2016)

Republican National Convention secure zone revealed: Ohio Politics Roundup (Cleveland Plain Dealer, 7/1/2016)

Sen Tim Kaine accepted clothes. vacation as gifts: Today's number in politics (Cleveland Plain Dealer, 7/1/2016)

Voting rights activists say election lawsuit claiming Jon Husted illegally purged voters is not over (Cleveland Plain Dealer, 7/1/2016)

Controversial NRA ad attacking Clinton airing mostly in Ohio (Columbus Dispatch, 7/1/2016)

# Ohio Politics Now: Will Hillary Clinton consider Richard Cordray as a running mate? (Columbus Dispatch, 7/1/2016)

Portman coal radio ad targets southern Ohio voters (Columbus Dispatch, 7/1/2016)

State, troopers union return to contract talks (Columbus Dispatch, 7/1/2016)

GOP Convention: Who's going to speak? Where are the sponsors? (Dayton Daily News, 7/1/2016)

Local hospitals among hundreds with multiple privacy complaints (Dayton Daily News, 7/1/2016)

Taxpayers shelling out fewer dollars for fireworks displays (Dayton Daily News, 7/1/2016)

## Editorials

Commentary: The Supreme Court's Texas abortion ruling reignites a battle over facts (Canton Repository, 7/1/2016)

Six ways to make Ohio's online charter schools more accountable: editorial board (Cleveland Plain Dealer, 7/1/2016)

Perpetuating preferences (Columbus Dispatch, 7/1/2016)

Put babies over politics (Toledo Blade, 7/1/2016)

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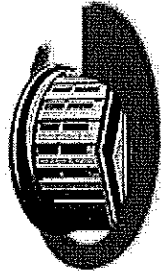
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## Ohio News & Opinion For July 5, 2016

### News

Ohio usually a swing state, nearly always a bellwether (Associated Press, 7/5/2016)

Ohio's new schools superintendent gets on the job, looking for input from educators (Canton Repository, 7/5/2016)

Portman, Strickland focus on Ohio's drug crisis in Senate campaigns (Canton Repository, 7/5/2016)

Ad Watch: NRA says Strickland 'sold out' (Cincinnati Enquirer, 7/5/2016)

Becker introduces public right-to-work bill (Cincinnati Enquirer, 7/5/2016)

Trump announces visit to Sharonville Convention Center (Cincinnati Enquirer, 7/5/2016)

'Raise Up Cleveland' continues \$15 minimum wage campaign, despite attorney general's opinion: Ohio Politics Roundup (Cleveland Plain Dealer, 7/5/2016)

No statewide ballot measures planned for Ohio's November election (Cleveland Plain Dealer, 7/5/2016)

Prospective new political parties in Ohio face filing deadline: What to watch for Tuesday (Cleveland Plain Dealer, 7/5/2016)

Republican National Convention secure zone revealed: Ohio Politics Roundup (Cleveland Plain Dealer, 7/5/2016)

Capitol Insider: Even after Kasich's campaign, state says it can't tally, release security bill (Columbus Dispatch, 7/5/2016)

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Capitol Insider: Who in Ohio Democratic Party helped John Raphael? (Columbus Dispatch, 7/5/2016)

Dispute over school funding embroils new federal education law (Columbus Dispatch, 7/5/2016)

Medicaid tax change to cost Ohio, counties (Columbus Dispatch, 7/5/2016)

Ohio quietly gave larger raises to non-union managers (Columbus Dispatch, 7/5/2016)

Portman, Strickland focus on Ohio's drug crisis in Senate campaigns (Columbus Dispatch, 7/5/2016)

State asks feds for permission to charge new Medicaid fees (Columbus Dispatch, 7/5/2016)

GOP Convention: Who's going to speak? Where are the sponsors? (Dayton Daily News, 7/5/2016)

Ohio law requires Tdap, meningitis shots (Toledo Blade, 7/5/2016)

Portman launching \$1M TV ad campaign (Toledo Blade, 7/5/2016)

## Editorials

Voices of protest in Cleveland (Akron Beacon Journal, 7/5/2016)

Impact of heroin addiction on driving statistics (Cincinnati Enquirer, 7/5/2016)

George Voinovich's legacy of collaborative politics must be revived: Joe Lieberman (Opinion) (Cleveland Plain Dealer, 7/5/2016)

Ohio's restrictive abortion-clinic laws need to be revised after Supreme Court's Texas ruling: editorial (Cleveland Plain Dealer, 7/5/2016)

Trump's message resonates in Ohio coal country: Thomas Suddes (Cleveland Plain Dealer, 7/5/2016)

New rules to let drone use soar (Columbus Dispatch, 7/5/2016)

Voters want to rein in government (Columbus Dispatch, 7/5/2016)

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## ALEC Center for Innovation and Technology

1 message

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To: latoursm@gmail.com

Tue, Jul 5, 2016 at 1:27 PM



### Center for Innovation and Technology

**Make sure to RSVP and mark these important dates on your calendar:**

#### Important Dates

- **July 27** - The **NEW Payment Reimbursement Reform Subcommittee** will meet at the ALEC Annual Meeting to move forward with its review of Alternative Payment Models.
- **July 27 at 10:00 AM EDT** - The **Homeland Security Working Group** will meet to discuss the current state of cybersecurity, and to discuss school security. Please RSVP by emailing **BCleland@ALEC.org**
- **July 28 at 10:00 AM EDT** - ALEC/SPN - **Technology Roundtable 2016** will meet at the ALEC Annual Meeting to discuss "The election, the FCC commissioners and the states," "Set top box set-up," "Encryption, the FBI and your 'phone,'" and "Bzzzzzzzzzz! Drone policy is coming." Please RSVP by emailing **BCleland@ALEC.org**
- **July 27-29:** Hone your message with **media training** during the Annual Meeting in Indianapolis. Choose from a variety of topics discussed and register to attend **here**.
- **July 27-29:** **ALEC CARE** is a groundbreaking constituent relationship management tool and is included as a benefit of your ALEC membership. ALEC will conduct **demonstrations and training sessions** during the Annual Meeting in Indianapolis, so you can see how to get targeted, insightful and immediate reporting of constituent attitudes and policy positions. Register **here** to attend.



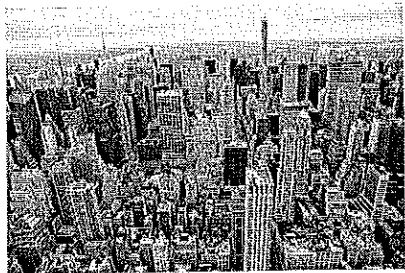
### Task Force on Communications and Technology

The Task Force on Communications and Technology is preparing for a busy, and exciting, Annual

Meeting. Members will hear presentations on a number of topics, including Daily Fantasy Contests and the implications of the Federal Communications Commission's proposed Internet Service Provider privacy rule.

There are also a number of proposed model policies members will discuss. Introduced policies include a model Digital Contents Warrant, which tries to bring warrant requirements for email and other forms of digital communications into the Age of Technology, and model home sharing policy based on Arizona's new laws.

If you have not yet registered for the Annual Meeting, and want to have your voice heard on these important topics, please do so [here](#)!



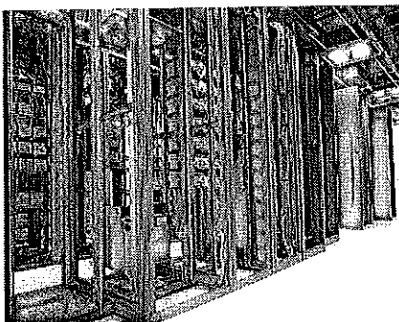
## New York Tries to Regulate Home Sharing by Regulating Speech

In a **novel approach** to regulating the sharing economy, New York – encouraged by the AFL-CIO – has decided to regulate speech. The New York Legislature recently passed **a bill** that would ban listing entire homes or apartments through services like...[Read More](#)



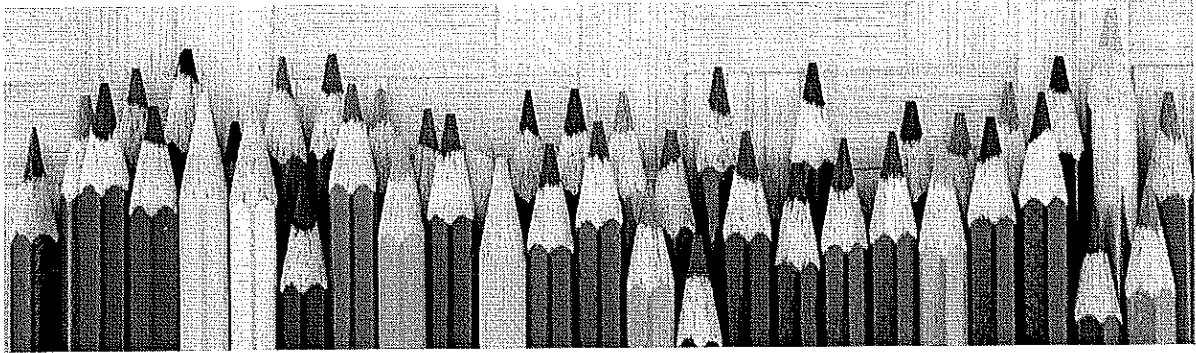
## D.C.'s Coming War Against AirBnB and Bed and Breakfasts

The AirBnB business model is legal until localities pass laws against it. The hotel and hotel union lobbies are pushing for most of these "laws". The District of Columbia recently proposed legislation that would "wipe out much of the home rental business." According to the Foundation for Economic...[Read More](#)



## How the FCC's ISP Privacy Rule Focuses on the Wrong Thing

In its quest to protect consumer privacy, the Federal Communications Commission has failed to do one thing: Focus on consumer privacy. Instead, it focused on the Internet Service Provider; it focused on the type of company handling the data. Through comments recently filed by the Federal Trade Commission and...[Read More](#)

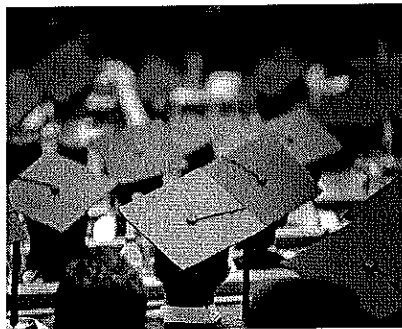


## Task Force on Education and Workforce Development

Annual Meeting is around the corner! The task force will discuss the proper level and type of regulation on charter schools, and how authorizers ought to measure success, along with other topics surrounding accountability, including whether or not local education agencies should be allowed to choose from a menu of assessments and best principles of student-centered accountability structures. The full Task Force agenda can be seen [here](#).

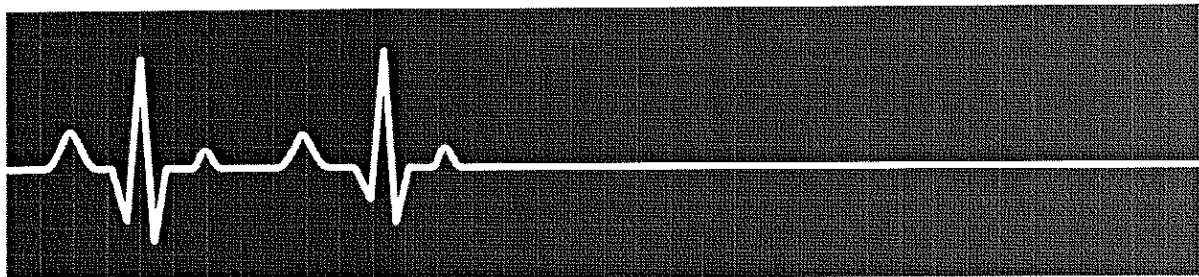
In Indianapolis, members will hear from the supply side of the coming education resolution, and have the opportunity to interact with innovative education entrepreneurs about their experiences and how education policy can get out of their way. The task force will continue its work on academic freedom by voting on model policy that defines harassment on campuses in a way consistent with First Amendment protections on speech, and protects students using their First Amendment rights on campus.

Don't miss all this and more in Indianapolis, July 27-29. **Register** today!



## Choosing A Better Way to Educate Students

In the policy **paper** released by the Republican House Task Force on Poverty, Opportunity, and Upward Mobility, solutions to the education system that will help keep vulnerable youth from staying in the cycle of poverty are discussed. Two of the Speaker's visions that align...**Read More**



## Task Force on Health and Human Services

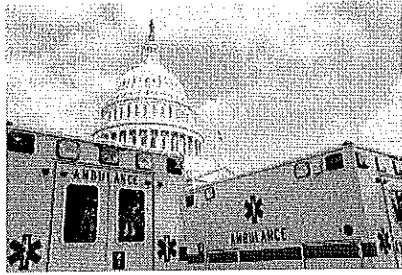
The Task Force on Health and Human Services (HHS) will continue its focus on reform policy at Annual Meeting. The Subcommittee on payment reimbursement reform will be held on Wednesday, **July 27** where former **Director of State Operations at the Centers for Medicare and Medicaid Services (CMS), Dennis Smith**, will address the group on alternative payment models, an issue many states have gone through the painstaking process to reform. Also on Wednesday, we will also host a second Subcommittee on improving access to oral health, be sure not to miss it!

On Friday, **July 29** the HHS Task Force will hear from both **Heartland Institute** and the **Foundation for Government Accountability** on approaches states can enact to improve their welfare reform programs. State health reform expert **Dennis Smith** and **Rea Hederman of the Buckeye Institute** will provide guidance for states who may be considering modernizing their Medicaid program with a 1332 Medicaid Waiver. The Task Force will consider model policy on oral healthcare, site neutral payment reform, the corporate practice of medicine and increasing protections for physicians.

Here are some recent pieces published on healthcare reform policies:

## Hillarycare: The Slow-Walk to Single-Payer

If you have maintained health insurance over the past few years, you, like millions of other Americans, have been quietly sustaining annual increases in out-of-pocket costs stemming from rising premiums and deductibles under the Affordable Care Act (ACA). These cost increases, combined with the announcement that UnitedHealthcare and Humana will...[Read More](#)



## House Republicans Release Alternative to Obamacare

This week, House Republicans released a healthcare reform plan to be considered if and when Congress and the next president repeal Obamacare. The proposed policies are market-driven reforms that incentivize competition and investment in the U.S. healthcare industry, as well as provide greater protections, choice and price transparency...[Read More](#)

**The 43rd ALEC Annual Meeting hold much to look forward to this summer; please register for the [Annual Meeting](#) as soon as possible!**

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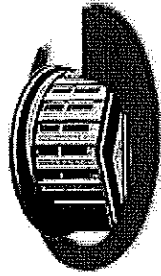
**Ohio Report, Tuesday, July 5, 2016**

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Supreme Court To Hear Second Traffic Camera Case; City Of Springfield Argues Home Rule Hangs In The Balance

After NEOCH Decision, Seitz Suggests Lawmakers Implement Photo ID Requirements For Voting

Legislation Aligns Health Assessments For Hospitals, Public Health Districts In Effort To Improve Population Health Planning

Ohio's Competitive Marketplace Driving Lower-Than-Average Policy Rates, Insurance Leaders Say

Clinton To Open Ohio Campaign Offices, Leads Trump In Latest Fundraising Numbers

Politics Notebook: FBI Recommends No Charge Over Clinton Emails; ODP Blasts Latest Right-To Work Attempt; Advocates Press Kasich For Action On Hunger...

**Activity Reports**

Senate

**Calendars**

Day Planner

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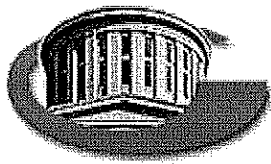
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 **Jul5.htm**  
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 **Jul5Senate.htm**  
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## Daily Activity Planner for Wednesday, July 6

### Legislative Committees

No legislative committees scheduled.

### Agency Calendar

**Public Utilities Commission of Ohio**, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

### Event Planner

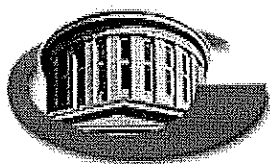
**Sen. John Eklund (R-Chardon) fundraiser**, Historic Parlor and Conservatory, 348 Mentor Avenue, Painesville, 5 p.m., (Event Host: \$1000; Couple: \$150, Individual: \$100 to Friends of John Eklund)

17 S. High St., Suite 630  
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GONGWER Ohio  
The Record of Capitol Square Since 1906

## Volume #85, Report #128 -- Tuesday, July 5, 2016

### Supreme Court To Hear Second Traffic Camera Case; City Of Springfield Argues Home Rule Hangs In The Balance

The state's high court has agreed to take up a second challenge to a law that has all but eliminated the use of traffic cameras by municipalities.

The Ohio Supreme Court will hear arguments from the city of Springfield that a measure (SB342, 130<sup>th</sup> General Assembly) that requires a police officer to be present where traffic cameras are operating violates home rule and is not a general law.

In its memorandum in support of jurisdiction, the city called the law "a thinly veiled attempt to destroy local traffic-camera programs."

The city, which established its traffic camera program in 2005 at 10 intersections with high crash rates, sued over the law in Clark County Common Pleas Court but lost. It then took its case to the Second District Court of Appeals, where it again was unsuccessful.

The city now argues that if the appellate court decision is upheld, it could cripple the concept of home rule throughout the state.

"The Second District's decision erroneously reduces municipal authority and would return cities and villages to the position they were in before the people of the state of Ohio changed their constitution in 1912," the city wrote.

The city also makes the case that a "state statute with the principal purpose and effect of limiting municipal authority is not a general law to which municipal ordinances must yield."

"The Legislative Service Commission told the General Assembly that a single section of the bill, the section requiring a police officer to be present at the camera site, would cost municipalities \$73 million. The police officer sitting at the intersection has no role in the photo-enforcement process," the city wrote. "Inexplicably, SB342 requires that the officer sitting idly at a camera site must be a full-time officer. These provisions serve only one purpose - to burden photo-enforcement programs with excessive costs so that cities and villages will abandon them."

The court declined to take up a third proposition of law on whether a municipality has standing to seek a declaratory judgment declaring a state statute to be an unconstitutional incursion of its power of local self-government even where the statute does not conflict with a municipal ordinance.

In an amicus brief filed with the court in support of jurisdiction, the Ohio Municipal League and the city of Dayton, which is engaged in its own litigation over the law, also make the case that the concept of home rule is at stake. The city of Toledo has also filed an amicus brief in support of jurisdiction in the case.

"This matter extends well beyond a municipality's ability to adopt and enforce automatic traffic enforcement programs," the Dayton and OML filing states. "If the Second District's decision stands, it would give the General

Assembly authority to legislatively eliminate constitutionally-provided home rule powers, specifically, those powers that are purely local."

The state, however, in its memorandum in response to jurisdiction called the lawsuit "a companion to the attack on the state's comprehensive regulation of traffic cameras."

"Like Dayton, its arguments rest on exaggerated conceptions of its home rule authority and distorted views of S.B. 342," the attorney general's office writes.

The state also deemed both lawsuits to be "quixotic attempts to redefine the court's teachings on police power regulations and standing."

After NEOCH Decision, Seitz Suggests Lawmakers Implement Photo ID Requirements For Voting

Following a federal judge's decision that struck down three provisions contained in election-related legislation that he says placed undue burdens on certain voters, one GOP lawmaker said it may be time to go with a "more rigorous" identification requirement blessed by the nation's high court.

One of the provision struck down required voters accurately complete all five fields on the provisional ballot affirmation and absentee identification envelope before their ballots could be counted, which Bill Seitz (R-Cincinnati) said in an interview were for identification purposes.

Since that has been deemed unconstitutional, Sen. Seitz said lawmakers may have no choice but to go the voter ID route.

"This constant meddling in our state election laws ultimately means that you have to resort to something the Supreme Court has already blessed," he said. "I suppose you leave us no choice but to go the photo ID route."

Sen. Seitz said the identification measure struck down was designed to prevent voter fraud. He said the federal government refuses to tell the secretary of state's office if a Social Security number corresponds to an illegal alien.

"We have precious little protection against voting by illegal aliens," he said.

But Rep. Kathleen Clyde (D-Kent) said requiring state-issued IDs to cast ballots will be a waste of taxpayer dollars.

"This is more bluster and bullying of Ohio's voters from Senator Seitz, who has been deeply involved with most of the anti-voter legislation that the courts have thrown out over the last several years," she said. "Photo-only voter ID legislation is wrong for Ohio. It's not necessary, it's discriminatory, and it would cost the state and voters millions of dollars to implement."

U.S. District Court Judge Algenon L. Marbley's ruling, which struck down two other provisions in election-related legislation passed during the previous General Assembly, is being appealed. (See Gongwer Ohio Report, June 8, 2016)

Along with throwing out the provisional ballot requirements, the judge delivered a harsh critique of voting law trends in Ohio over the last several years, saying "the Republican-controlled General Assembly's frenetic pace of introducing such legislation reflects questionable motives, given the wealth of other problems facing the state which actually needed solutions."

"If the dog whistles in the General Assembly continue to get louder, courts considering future challenges to voting restrictions in Ohio may very well find that intentional discrimination is afoot," he wrote.

Sen. Setiz, however, said he and his colleague do not have any intention to put a moratorium on election-related legislation.

"Please be assured we are not going to be delinquent in doing our duty to the people of Ohio," he said.

He also denied there was a racial motivation behind the legislation, noting that another federal court judge found the provision to be constitutional.

"This is just another example of the double-standard that activist judges who might be better suited to be legislators are following in their zeal to do the will of the Ohio Democratic Party," he said.

Josh Eck, spokesman for Secretary of State Jon Husted, said the appeals process should be allowed to play out.

"Secretary Husted certainly understands Senator Seitz's frustration with the federal court's intrusion into Ohio's elections, which is why he has appealed the ruling," he said. "Once the appeal is decided and the 2016 election is over, we can calmly assess what law changes will be necessary to ensure a balance in our election system where it is both easy to vote and hard to cheat."

Sen. Sherrod Brown (D-Avon) recently took to the Senate floor to call on his colleagues to pass an updated version of the Voting Rights Act. During his speech, he commented on Judge Marbley's ruling and railed again voting "laws passed by an ultra-conservative state legislature in Columbus."

"We're the only advanced democracy in the world where there's actually efforts to restrict access to the ballot box," he said.

A voter ID bill has already been introduced this General Assembly. The measure (HB 189), put forth by Rep. Andrew Brenner (R-Powell), has yet to receive a committee hearing.

#### Legislation Aligns Health Assessments For Hospitals, Public Health Districts In Effort To Improve Population Health Planning

Nonprofit hospitals and local health districts will have to complete health assessments along the same three-year cycles starting next year, according to legislation signed recently by Gov. John Kasich.

The requirement was part of a broader budget update bill (HB 390) the governor signed Tuesday. (See Gongwer Ohio Report, June 28, 2016)

Aligning the assessment periods is designed to make it easier for hospitals and their local public health officials to work together on setting priorities, according to the Governor's Office of Health Transformation.

Hospitals have already been conducting their health assessments in three-year cycles, but local health districts have been doing so on five-year cycles. The change eliminates one of the barriers to cooperation between hospitals and local health districts, said Beth Bickford, executive director of the Association of Ohio Health Commissioners.

"The whole idea is to encourage hospitals and local health departments, both of which have requirements in this regard, to try to work more closely together and to get their planning aligned so hopefully they can feed off each other's work and get some synergy in communities to achieve their health outcomes," she said in an interview.

"It is a bit of a daunting task to completely solve the problem, but I think this effort to set the three-year interval is an effort to try to at least align things from a timing perspective," she added.

There are other hurdles that hinder cooperation, she said, including geography. Hospitals and health districts don't always serve the same areas.

John Palmer, a spokesman for the Ohio Hospital Association, said hospitals already work with health districts on community health assessments, but the change will make that cooperation even easier.

"This new provision will strengthen involvement and support collaboration for our members and their partners that will benefit Ohioans and our communities," he said in an email.

One concern for local public health officials is the added cost and effort of producing the assessments every three years as opposed to every five, Ms. Bickford said.

"They're concerned about taxing their community partners with a process that is a time investment," she said. "There's a fair amount of concern about the extra time, money and asking others to commit their time as well to have it done more frequently."

The assessments look at a number of health factors affecting their communities, including rates of smoking, chronic conditions, risk factors and infectious diseases, Ms. Bickford said. Getting better information and coordinating efforts more will improve the picture health officials have of their communities' concerns.

"We can do a better job of seeing whether or not we're moving the needle on some of these health indicators," she said.

The change is also part of a broader state goal of aligning health assessments and planning to affect overall population health outcomes, according to a presentation by OHT. That broader goal includes a state health assessment, a draft of which was released last week (See Gongwer Ohio Report, June 27, 2016), and a state health improvement plan slated for the fall.

#### Ohio's Competitive Marketplace Driving Lower-Than-Average Policy Rates, Insurance Leaders Say

Ohio's insurance marketplace is among the largest in the country and a plethora of companies call the state home - both factors that play a part in residents paying lower-than-average rates for casualty and property policies, according to the Department of Insurance.

Lt. Gov. Mary Taylor, who also serves as director of ODI, pointed to a recently released 2015 market share report of state-licensed property and casualty groups as proof that Ohio's policies continue to drive low insurance rates and make the state a preferable place to do business

"We are focused on protecting consumers and fostering a competitive marketplace that is efficiently regulated," she said in a statement. "Positive results are being realized on multiple fronts."

There are nearly 1,000 property and casualty companies in the state's marketplace and about 140 of those are headquartered in Ohio, she said in an ODI release. State Farm, which is headquartered in Indiana, has the largest market share, holding 12.6% of all policies.

Meanwhile, Columbus-based Nationwide and Illinois-based Allstate are tied for second place at 6.7% and Progressive, which is headquartered in Mayfield, had the fourth largest market share, the report shows.

Dean Fadel, vice president of government relations for the Ohio Insurance Institute, said the market share report findings are "another demonstration of the competitive nature of the environment" that has been fostered in the state.

"We have the third most companies in the nation vying for Ohio consumers which is translated to us getting below national average rates on homeowners and auto insurance," he said in an interview. "I think when you factor in the urbanization and the traffic in Ohio, we arguably have the lowest rates in the nation."

"It's a marketplace where companies are allowed to compete, they're allowed to use within the regulatory schemes the most modernized ways of providing the product and we don't have a lot of insolvencies," Mr. Fadel added.

Ohio's average auto and homeowners premiums are \$515 below the national averages, according to a 2013 National Association of Insurance Commissioners analysis. Residents paid an average of \$763 for homeowners

insurance and \$659 for auto insurance.

Employment opportunities have also been positively impacted by the state's thriving insurance industry, Ms. Taylor said.

Since 2011, she has led the charge to fill a projected 26,000 new insurance jobs by 2020 through an administration initiative called Insuring Ohio Futures. The effort includes partnerships between higher education institutions and industry leaders to create education and career pathways.

As a result, ODI reported that nine Ohio colleges and universities now offer insurance and risk management programs including bachelor, associate degrees short-term certification programs.

"We have been able to transform the landscape in just a few short years," Ms. Taylor said. "Educational programs exist that are ready to help Ohioans of all ages prepare for and claim good paying insurance jobs."

There are currently about 100,000 Ohioans working in the industry, earning the state the designation of having the seventh highest number of insurance employees in the country, according to an OII analysis. About one-third of those careers are in the property/casualty insurance field that the institute represents.

In total, more than 230 insurance companies in all segments of the industry call Ohio home, the institute reported.

#### Clinton To Open Ohio Campaign Offices, Leads Trump In Latest Fundraising Numbers

Hillary Clinton out fundraised opponent Donald Trump in the Buckeye State nearly eight-to-one for the month of May - even after the GOP field narrowed and the billionaire solidified himself as the last Republican standing.

Building on that momentum, Ms. Clinton's campaign announced Friday the campaign took in another \$40 million during June and said Tuesday that it will open 11 new offices across the state of Ohio in the coming week.

Those include offices in Cleveland, Toledo and Woodland, with phone banks to be established in Boardman, Canton, Cleveland, Columbus, Hilliard and Trotwood. The campaign will also host a fundraiser in Lebanon and an organizing event in Delaware this week.

Mr. Trump's campaign, however, has been fairly quiet in Ohio, other than the recent hire of state campaign manager Bob Paduchik. The candidate visited the state for the first time post-primary last week. (See Gongwer Ohio Report, June 29, 2016)

Gov. John Kasich withdrew from the race May 4, clearing the way for Mr. Trump to focus on fundraising and other general election prep rather than seizing delegates. (See Gongwer Ohio Report, May 26, 2016)

But the latest Federal Election Commission filings from each campaign show that Ms. Clinton, who for much of May was battling Sen. Bernie Sanders for the Democratic nomination, raised \$153,447.22 from Ohioans between May 1-31. During that same time period Mr. Trump raised \$18,722.89 in the state.

Released last week, the numbers already showed that Mr. Trump and Ms. Clinton trailed their primary opponents in fundraising from Ohio donors. Sen. Sanders for example raised \$158,768 in Ohio while Sen. Ted Cruz led the Republican side despite his May 3 withdrawal. (See Gongwer Ohio Report, June 21, 2016)

As both campaigns shift toward the general election, however, the numbers highlight the breadth of Ms. Clinton's fundraising infrastructure compared to that of Mr. Trump's. The candidates entered June - their first full month as the presumptive nominees of their respective parties - with \$42.46 million in cash on hand for the Clinton campaign and nearly \$1.29 million in cash on hand for the Trump campaign.

Of the 57 states or territories in which both candidates received donations in May, Ms. Clinton raised more money by far in all of those areas. Her filing shows the former secretary of state raised nearly \$15.04 million from 64 territories or states, while Mr. Trump raised \$1.01 million from 56 states or territories along with a \$250 donation from a foreign country.

Ms. Clinton even outperformed Mr. Trump in right-leaning states - such as Texas, in which Ms. Clinton hauled in \$1.4 million compared to Mr. Trump's \$122,251. In their home state of New York, where Ms. Clinton was a U.S. Senator, that trend continued with Ms. Clinton earning nearly \$1.87 million compared to Mr. Trump's \$52,697.

In Ohio, Mr. Trump received donations from 25 counties in May - the largest of which were \$5,150 from Franklin County and \$2,700 each from supporters in Lorain and Miami counties. By comparison, Ms. Clinton earned donors in 76 Ohio counties, with the largest donations coming from urban areas - including \$35,818 from Cuyahoga County, \$29,038 from Hamilton County, and \$27,499 from Franklin County.

In response, the Trump campaign launched a fundraising blitz last week leading up to the second quarter FEC filing deadline of June 30<sup>th</sup>.

The campaign set a goal of raising \$10 million by the deadline, with the candidate's son, Eric Trump, telling supporters via email, "The truth is we did better than \$11 million and no amount of spin from Crooked Hillary's machine can change that fact."

The Clinton campaign, meanwhile, claims to have raised more than \$40 million during the month of June, with an additional \$28 million raised for the Democratic National Committee and state parties.

"Our first month of general election fundraising proved to be the best of the campaign," Campaign Manager Robby Mook said in a statement. "Thanks to the continued support of nearly 1.6 million people, we have been able to help Democrats build out an organizing infrastructure across the country that will mobilize millions of voters and help elect progressive candidates up and down the ballot."

The campaigns' second quarter filings, due July 15, will further show whether that funding gap persists.

Part of the contrast so far is thanks to Mr. Trump's limited fundraising efforts during the primary season. Although the campaign has accepted donations since it launched last year, it has mostly subsisted on loans from Mr. Trump to the campaign. The June filing shows the campaign has received \$45.7 million in loans from or guaranteed by the candidate during the election cycle.

Gov. Kasich, meanwhile, continues to try to aid down-ballot Republicans, including ally U.S. Sen. Rob Portman (R-Terrace Park). (See Gongwer Ohio Report, June 29, 2016)

A Tuesday email from Kasich's suspended campaign - the second such missive in as many weeks from Kasich for America - highlighted several recent media reports showcasing "Kasich's efforts to help our party maintain the majority in the U.S. Senate and also about Gov. Kasich's ongoing popularity in national polls."

Politics Notebook: FBI Recommends No Charge Over Clinton Emails; ODP Blasts Latest Right-To Work Attempt; Advocates Press Kasich For Action On Hunger...

FBI Director James Comey said Tuesday he is recommending Hillary Clinton not be charged for her handling of classified information via a personal email server while serving as secretary of state.

Still, he strongly chastised the Democratic presumptive nominee and her staff for being "extremely careless" in her handling of sensitive information.

"Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their

handling of very sensitive, highly classified information."

Of the 30,000 emails provided by Ms. Clinton and the State Department in December 2014, the FBI determined 100 emails in 52 email chains contained classified information at the time they were sent or received. Eight of those contained information that was "Top Secret" when sent, 36 contained information that was marked "Secret," and eight contained "Confidential" information.

Director Comey said there were several examples of email communication regarding Top Secret/Special Access Program level information and that it is reasonable for a person in Ms. Clinton's position or her staff to "have known that an unclassified system was no place for that conversation."

Mr. Comey said his recommendation to the Department of Justice, which has the final determination on the matter, was based on a lack of willful intent to violate statute and was reached in "an entirely apolitical and professional way."

"In looking back at our investigations into mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts," he said. "All the cases prosecuted involved some combination of: clearly intentional and willful mishandling of classified information; or vast quantities of materials exposed in such a way as to support an inference of intentional misconduct; or indications of disloyalty to the United States; or efforts to obstruct justice. We do not see those things here."

A Clinton spokesman said, "We are glad that this matter is now resolved," adding that Ms. Clinton has "long said it was a mistake to use her personal email and she would not do it again."

Republicans at all levels were quick to criticize the FBI's recommendation, with Ohio Republican Party Chairman Matt Borges calling the findings "a clear indictment on Hillary Clinton's lack of preparedness and judgment to be commander-in-chief."

"This wouldn't have been an issue had Hillary Clinton followed the law like everybody else and used a State Department account," Mr. Borges said. "Instead, Hillary Clinton set up an email system less secure than Gmail for herself to evade the rules because she didn't want people to know what she was doing."

Judicial Watch President Tom Fitton likewise criticized the FBI.

"Frankly, there's a disconnect between Comey's devastating findings and his weak recommendation not to prosecute Hillary Clinton," Mr. Fitton said. "Federal prosecutors, independent of politics, need to consider whether to pursue the potential violations of law confirmed by the FBI."

**Right to Work:** Rep. John Becker (R-Union Twp.) on Friday introduced a bill to make Ohio a right-to-work state, triggering an immediate reaction from state Democrats.

Critics compared the measure (HB 583) to a previous bill that that passed in 2011 only to be overwhelmingly overturned by voters (SB5, 129<sup>th</sup> General Assembly). Since then, Gov. John Kasich has repeatedly said right-to-work legislation is not on his agenda.

The latest bill would remove any requirement under collective bargaining law that public employees must join or pay dues to any employee organization.

Carolyn Best, spokeswoman for Speaker Cliff Rosenberger (R-Clarksville), said a decision about where the bill is headed has yet to be made.

"Since the bill was just introduced last week, the Speaker has not yet had a chance to fully review the legislation. When committee and House session resume in the fall, the caucus will discuss the bill further," she said.



Ohio Democratic Party Chairman David Pepper called the bill a "sneak attack on Ohio's working families for the lame duck session."

"Ohio Democrats strongly oppose this ideological attack on Ohio's working families, which will drive down wages, benefits and overall living standards for all Ohio worker," Mr. Pepper said. "It's time for real leadership in Ohio, and it's time for Gov. John Kasich to state unequivocally that he will veto any 'right to work' bill that is sent to his desk."

**Hunger:** Advocates are continuing to lobby Gov. John Kasich to request full federal food assistance for eligible counties and communities.

The call follows a recent Policy Matters Ohio report that examines communities eligible for a federal waiver of time limits in 2017. The deadline for the waiver request is this summer.

But the state has not submitted such requests in the last three years, prompting Policy Matters and others to urge Gov. Kasich to action.

"The failure to request a waiver of time limits in all eligible areas has hurt people in urban areas like Cleveland, but also in rural places, like Vinton County," PMO Senior Project Director Wendy Patton said. "We again call on the Kasich administration to maximize its use of federal resources so that hungry Ohioans can meet their most basic need - food."

Joining in the call were the Coalition on Homelessness and Housing in Ohio, the Universal Health Care Action Network of Ohio, the Ohio Association of Foodbanks, the Ohio Poverty Law Center, and the Ohio Council of Churches.

**U.S. Senate Race:** The campaign of U.S. Sen. Rob Portman launched a \$1 million statewide TV ad campaign aimed at highlighting the Terrace Park Republican's record of "standing up to China and fighting for Ohio Workers."

China and trade have been a sticking point between the incumbent and Democratic challenger and former Gov. Ted Strickland, with both throwing continued barbs at their rival's record on the topic.

The latest ad, called "Steel," focuses on Burke Byer of Cincinnati's Byer Steel as he describes an unfair playing field between American and Chinese workers.

"Our new ad highlights Rob's long record of fighting for Ohio manufacturers and workers like those at Cincinnati's Byer Steel," Portman spokeswoman Michawn Rich said. "Rob is the only candidate in this race with a record of standing up to China. Rob is leading the fight to stop China's currency manipulation and level the playing field on trade so Ohio workers can compete and win."

### **Supplemental Agency Calendar**

No agency meetings scheduled.

### **Supplemental Event Planner**


No events scheduled.

17 S. High St., Suite 630

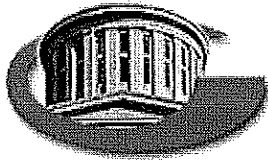
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## Senate Activity for Tuesday, July 5, 2016


### INTRODUCED

**SCR 22 FIREARMS** (Yuko, K.) To urge Congress to enact legislation denying firearms and explosives to suspected terrorists.

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Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

**ALEC Digital Exchange: Media Training, ALEC CARE, U.S.-Cuba trade**

1 message

American Legislative Exchange Council &lt;avarner@alec.org&gt;

To: latoursm@gmail.com

Thu, Jul 7, 2016 at 12:15 PM

**Digital Exchange****Conference Call on U.S. - Cuba Trade Relations with Congressman Tom Emmer (MN)****Wednesday, July 13 at 3:00 PM ET**

**Congressman Tom Emmer introduced legislation to lift the U.S. embargo on Cuba almost one year ago and was among the U.S. lawmakers to travel with President Obama to Cuba in March**

Join the congressman to discuss the potential opportunities for U.S. businesses with normalized U.S.-Cuba trade and the embargo's failure to spur meaningful political change in the island nation.

RSVP to Participate in the Call

**You're Invited: State Policy Discussion with RSC Chairman Bill Flores****Thursday, July 28 - 10:00 - 11:00 AM****JW Marriott Indianapolis, Meeting Room 313**

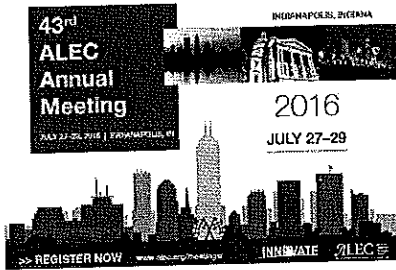
**ALEC Annual Meeting attendees are invited to join Republican Study Committee Chairman Bill Flores (TX-17) for an informal state policy discussion.** ALEC members are encouraged to share with Chairman Flores the top issues facing their states and offer their thoughts on key issues in Congress.

The RSC exists to bring like-minded House members together to promote a strong, principled legislative agenda that will limit government, strengthen our national defense, boost America's economy, preserve traditional values and balance our budget.

Learn more at <http://rsc.flores.house.gov/>**Hone Your Message with Media Training During the ALEC Annual Meeting**

Media training on the following topics comes as a benefit of your ALEC membership:

Free speech



Privacy and individual rights  
Women's issues and the "war on women"  
Labor unions and wage policy  
Education policy  
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[Sign up for Media Training](#)

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## ALEC Constituent Analytics and Research Exchange (CARE)

**ALEC CARE is a groundbreaking constituent relationship management** tool and is included as a benefit of your ALEC membership.

ALEC will conduct demonstrations and training sessions during the Annual Meeting in Indianapolis, so you can see how to **get targeted, insightful and immediate reporting of constituent attitudes and policy positions.**

Sign up to receive a demonstration of this exciting constituent relationship management system during the ALEC Annual Meeting.

[Sign up for Your ALEC CARE Demonstration in Indianapolis](#)

## Bid Farewell to the Friedman Foundation in Indy

**Friday, July 29 - 4:00 - 7:00 PM**

Celebrate the final Friedman Legacy Day and witness the new brand's unveiling at the Conrad Indianapolis.

[RSVP for the Friedman Foundation Reception Here](#)

## Legislators Second Amendment Day in Indy

**Cap off the ALEC Annual Meeting with a tour of and target practice at Indiana's Camp Atterbury Joint Maneuver Training Center.**

Saturday, July 30 - lunch, hearing and eye protection are provided.

Learn about state-of-the-art training systems and practice your skills on a military range. Email [LWhite@ALEC.org](mailto:LWhite@ALEC.org) for details.

[RSVP for the Legislators' Second Amendment Day](#)

[Book Your Hotel Room Here](#)

## Recent Bureaucratic Activities Fly in the Face of Congressional Intent



**American Legislative Exchange Council**

The U.S. Environmental Protection Agency is flaunting rule of law to implement a political agenda that could not win congressional support.

7/23/2018

Gmail - ALEC Digital Exchange: Media Training, ALEC CARE, U.S.-Cuba trade

Open



## New Hampshire Becomes Latest State to Overhaul Civil Asset Forfeiture Process



**American Legislative Exchange Council**

Great news: New Hampshire became the 10th state to require a criminal conviction before the government can seize somebody's property.

Open



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Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

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**July 28: ALEC/SPN Technology Roundtable 2016**

1 message

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**Bartlett Cleland** <bcleland@alec.org>  
To: latoursm@gmail.com

Sun, Jul 10, 2016 at 6:30 PM

To view this email as a web page, go [here](#).



You are Invited

**ALEC / SPN Technology Roundtable 2016**  
**During the 43rd ALEC Annual Meeting**

**Thursday, July 28**  
10:00 AM - 11:00 AM  
JW Marriott, Room 207  
Indianapolis

**Topics :**

*The election, the FCC commissioners and the states*

*Set top box set-up*

*Encryption, the FBI and your "phone"*

*Bzzzzzzzzzz! Drone policy is coming*

**Please join us**  
RSVP at [bcleland@alec.org](mailto:bcleland@alec.org)

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7/24/2018

Gmail - July 28: ALEC/SPN Technology Roundtable 2016



Gmail - Ohio Report, Friday, July 15, 2016

Sarah LaTourette Kayser <latoursm@gmail.com>

1 message

Fri, Jul 15, 2016 at 5:44 PM

Fri, Jul 15, 2016 at 5:44 PM



## Timeline For Energy Freeze Action Unclear, Says Senate No. 2

## RNC Update: Trump Confirms Pence As VP Pick: 'Never Trump' Efforts Fail...

# Campus Culture Survey Results To Inform Continued Sexual Violence Prevention, Response Efforts

## Becker Defends Right-To-Work Bill For Public Sector, Acknowledges Its Passage Is A Longshot

Education Notes: ECOT Defends Decision To Withhold Log-In Data; Antioch Receives Accreditation; Lawmaker Urges Standards Feedback

Court Briefs: Dems 'Golden Week' Case: 1851 Center Seeks To Stop Eminent Domain For Pipeline; Judicial College Employee Honored

Agency Briefs: AG's Office Doles Out Funding To Rape Crisis Centers; BWC; SOS; ODNR; PUCO; Senate

From Congress: Brown, Portman Applaud U.S. Attorney Confirmation; Kaptur Applauds Funding Awards; Gibbs; Ryan

## Gongwer's Ohio Convention Coverage

Attorney General's Opinion

Supplemental Agency Calendar

7/23/2018

Supplemental Event Planner

Gmail - Ohio Report, Friday, July 15, 2016

Calendars

Day Planner

Event Planner

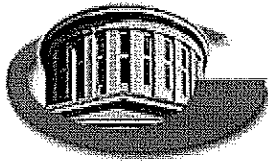
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**GONGWER** Ohio  
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## Daily Activity Planner for Friday, July 15

### Legislative Committees

No legislative committees scheduled.

### Agency Calendar

**Accountancy Board**, Rm East B, 31st FL, 77 S. High St., Columbus, 10 a.m.

### Event Planner

**Sen. Tom Patton (R-Strongsville) golf outing fundraiser**, Mallard Creek Golf Club, 34500 Royalton Rd., Columbia Station, 10 a.m., (10 am shotgun start. \$2,000, \$1,000, \$500 or \$150 to Friends of Tom Patton)

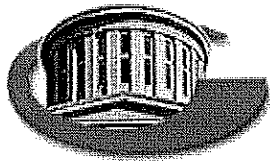
**Summer Fridays at the Statehouse concert**, West Steps, Statehouse, Columbus, 12 p.m., (Two for the Road)

17 S. High St., Suite 630  
Columbus Ohio 43215

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**GONGWER** Ohio  
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## House Activity for Thursday, July 14, 2016

### INTRODUCED


**HB WAGE DISCRIMINATION** (Smith, K., Boyd, J.) To require the Ohio Civil Rights Commission to **586** establish a system for individuals to make anonymous complaints regarding employers discriminating in the payment of wages. Am. 4112.041

17 S. High St., Suite 630

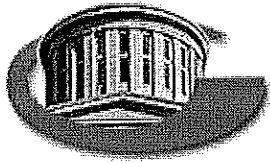
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# GONGWER Ohio

The Record of Capitol Square Since 1906

## Volume #85, Report #135 -- Thursday, July 14, 2016

### Advocates Push Lawmakers For Congressional Redistricting Changes, Sharpen Tone On Potential Ballot Initiative

If lawmakers haven't passed an Issue 1-style change to Ohio's congressional redistricting process by year's end, advocates say they will start planning for a citizen ballot initiative.

Fair Districts = Fair Elections, a group backing changes to the congressional redistricting process, again urged lawmakers to act during a Thursday morning press conference at ProgressOhio's headquarters.

It's been three years this month since an Ohio Constitutional Modernization Committee began studying the issue and more than one year since proposals were unveiled in the Senate and House to apply the same bipartisan mapmaking process enacted by Issue 1 to the congressional level. But progress has stalled at every point, pushing Ohio toward the 2018 elections and a closing window for action.

Advocates have previously indicated a ballot effort is not off the table, but Thursday's remarks from Catherine Turcer of Common Cause Ohio were the clearest signal yet that groups are prepared to take the question directly to voters if necessary.

Ms. Turcer said the group isn't ruling out a ballot issue if lawmakers fail to act this year. But spending the money and work hours needed for such a ballot effort at this point, when lawmakers could easily tackle the issue, isn't feasible, she said.

"We will in fact have to change our strategy if we're not heard," Ms. Turcer said. "I do believe either way this would pass. I also believe there's no reasons for us to spend the money and the people power that there's a clear understanding that we need."

Given the support of leading Republicans like Gov. John Kasich - who singled out the issue in his State of the State address (See Gongwer Ohio Report, April 6, 2016) - and Secretary of State Jon Husted, she said there's no need for lawmakers not to act.

"By the end of the year we will have given them a full year and we need to be sure we have the resources in place to be successful," she said. "If we get to New Year's Day and we do not have any possibility of congressional redistricting reform on the '17 ballot then we're going to start the clock on planning."

Advocates saw a sliver of hope earlier this year as a subcommittee of the OCMC's Legislative Branch and Executive Branch Committee hashed out details of a compromise agreement that if adopted by the OCMC would be forwarded to the General Assembly for action.

But those negotiations broke down in the 11th hour, prompting committee Chairman Fred Mills to scrap a planned committee vote on a compromise in May. (See Gongwer Ohio Report, May 12, 2016)

"We all know you can't study away a problem," Ms. Turcer said of the group, which has wrestled with the issue for three years. "You actually have to make changes."

At the close of that meeting, Mr. Mills voiced his intent for the subcommittee to continue working toward an agreement. The full committee met Thursday for the first time since May. Following that meeting, Vice Chair Paula Brooks confirmed the subcommittee has not met since negotiations dissolved. She said the group still intends to meet at a date that is up to Mr. Mills' discretion.

There are two resolutions currently before lawmakers to change the process. The first (HJR 2) is from Rep. Michael Curtin (D-Marble Cliff) and Rep. Kathleen Clyde (D-Kent) and was introduced in March 2015. It has been referred to the Government Accountability & Oversight Committee where it has not been heard.

The second (SJR 2) is from Sen. Frank LaRose (R-Copley) and Sen. Tom Sawyer (D-Akron). Introduced in July 2015, the measure was assigned to the Government Oversight & Reform Committee where it has not been heard.

The goal of both resolutions is to apply the same principles to the process Issue 1 created for legislative redistricting. Voters overwhelmingly passed that issue in November. (See Gongwer Ohio Report, November 3, 2015)

"There's no reason to sit on these bills," Camille Wimbish of the Ohio Voter Coalition said. "There is overwhelming consensus reform is needed when 71% of voters passed Issue 1 last November."

#### Recodification Committee Debates 'Serious' Acts Of Violence; Hopes To Fast-Track Drug Law Changes

The offenses of simple assault, escape and certain burglaries should be removed from the section of state law that covers offenses of violence, based on a draft proposal developed by a workgroup of the Criminal Recodification Committee.

Under the proposal, the section of law would be changed to cover only "serious" offenses of violence.

"A number of treatment programs say no offenses of violence," said Public Defender Tim Young, who is the vice-chairman of the full committee and a member of the workgroup recommending the changes.

However, there was not unanimity among the workgroup. Sen. John Eklund (R-Chardon) disagreed with some of the proposed changes, including the elimination of the offense of escape as an action of violence covered under state law.

"Someone who escapes is intended upon and is likely to place themselves in a position where police officers and the public are placed at grave physical risk," he said.

But Department of Rehabilitation and Correction Director Gary Mohr said other elements need to be involved for an escape to rise to the level of a serious offense of violence.

"Without another behavior that might be with a weapon or some other element that might be a felonious act, I would not consider that an act of violence," he said.

Sen. Eklund also disagreed with a proposal to remove burglaries in which a person is not present from the offenses of violence statute. Intent, he said, should be taken into consideration.

"If someone goes in hell-bent to do somebody harm, that to me is a very dangerous person," he said.

Mr. Young, however, said he has come across many cases in which a drug addict knocks on a door to determine no one is home before entering.

"Most of this is \$5 crimes to support whatever the next hit is," he said.

Auglaize County Common Pleas Court Judge Fred Pepple, chairman of the group, raised the issue of a person coming home during a burglary in progress.

"Maybe nobody was home at the time they went in but you can't predict if someone is going to come," he said.  
"It still poses a significant risk."

**Drug Laws:** Mr. Young also expressed his desire to complete work on the section of the Revised Code covering drug laws so that lawmakers have the opportunity to take the issue up in their upcoming lame duck session.

The Recodification Committee was originally scheduled to complete its work by August. However, it is now not likely to issue complete and final recommendations until November.

But Mr. Young said the recommendations on drug laws should be issued separately prior to the final report because changes to that section of law are the most likely to reduce the state's overcrowded prison system.

"We're not going to get it all done in lame duck," he said.

Sen. Eklund agreed, saying a bill should be introduced as soon as possible so that lawmakers have ample time to review the recommended proposals.

"Let's put the pedal to the metal on 2925," he said.

In April, the panel took its first look at the drug law. (See Gongwer Ohio Report, April 29, 2016) However, Mr. Young said the proposal is still being refined.

#### Constitutional Review Panel Ponders Changes To Voting Provisions

As an appeals court considers how Ohio maintains its voter rolls, a constitutional review panel is reviewing potential changes to language providing rights to electors.

The Ohio Constitutional Modernization Commission's Bill of Rights and Voting Committee on Thursday took up Section 5, Article I of the constitution, which sets residency, age and registration details for voters.

The panel's discussion on the topic comes as the state is fighting against a lawsuit alleging that a constitutional amendment to the section allowing voters to be removed from the rolls if they haven't cast ballots in four consecutive elections is at odds with federal law. (See Gongwer Ohio Report, June 30, 2016)

Committee members said they'd like to learn more about why that provision was added to the constitution in the 1970s to determine its relevancy.

Among those who said the language needs further inspection was Rep. Kathleen Clyde (D-Kent), who has long argued against the so-called purging of voter rolls and is supportive of the lawsuit.

In a letter sent a letter sent to Secretary of State Jon Husted this week, she said her office conducted a study of Hamilton County voters who were removed from the rolls for inactivity and found that 666 ballots were discarded in 2015 because those voters were no longer registered.

"Based on this finding from only one election in only one county, it is safe to assume that across the state over multiple elections, tens of thousands of purged voters have had their ballots thrown out," Rep. Clyde wrote.

"Even worse, these voters do not even know that their votes were rejected because they are not notified when that happens. In any event, there is no doubt, based on our study, that voter purging is having a very serious effect in preventing many Ohioans from having their votes counted."

Husted Spokesman Josh Eck defended the current process, saying in an email that "the law, previous secretaries of state and now the court system are all united on this: Ohio is maintaining its voter rolls in a manner that is both legal and in the best interest of election integrity."

In addition to proposing that the committee recommend removal of voter removal language from the constitution, Rep. Clyde also suggested making changes to another 1970s amendment that requires voters to register at least 30 days before an election.

Rep. Clyde pushed for the return of a provision repealed by voters four decades ago that would allow voters to register and cast ballots on the same day. A dozen states, including Ohio, have the longest legal cap between registration and Election Day.

The 14 states that offer same-day registration see an average of 10% higher voter turnout than Ohio, she added.

"That's the problem that I really think we should all have in the back of our minds and be considering: Why do we lag other states in a number of people who are turning out to vote in our Ohio elections? What can we as leaders do to solve that very important problem and get more people participating in our democracy and I would suggest that 30-day requirement is onerous," Rep. Clyde said.

Chairman Richard Saphire presented the committee with options for potential changes to Article 5 Section I that included removing the 30-day provision and replacing it with language that would allow the General Assembly to set a registration timeline.

He also suggested that the committee could explore whether there is a need or interest to include in the constitution current statutory language that allows 17-year-olds to vote in primaries so long as they'll be 18 years old by the time of the general election.

Member Jeff Jacobson said he'd like to see the committee delve deeper into early voting and possibly recommend changes to that process.

Pointing to primary votes that were cast in late-voting states for presidential nominee candidates who had dropped out of the race, he said early absentee voting can hinder the ability of electorates to make the most informed decisions.

"That is a problem with our electoral system," Mr. Jacobson said. "I understand it comes up against the positive good of more people voting, I understand it comes up against our political desire to marshal as large a mass of voters in our columns as we possibly can, but that is a detriment for our nation when we no longer all are possessing the same information when we vote."

Allowing voters to cast absentee ballots early has also likely led to increases in campaign spending because candidates have to make their final pushes well ahead of Election Day and sustain them while early voting occurs, he said.

Chairman Saphire countered the argument, saying that absentee voting has had a positive impact at county board of election because it takes some pressure off workers on Election Day and is also a benefit to those who can't attend polls that day.

"I think that absentee voting is especially useful for certain kinds of people, minorities and low income people who find it very difficult if not impossible to take a day off work since we don't have elections on a common day of non-work," he said.

As the committee moves forward in its work, member Patrick Fischer asked OCMC staff to inform members as to how certain proposals might impact voter turnout.

Since the 30-day provision was added, presidential election turnout has remained the same and gubernatorial election turnout has steadily declined, he noted.

"I'd like to know will they actually increase turnout," Mr. Fischer said of proposed changes. "Isn't that the goal? And if they don't, why would we make the change?"



## OCMC Committees Plot Path Forward On Grand Juries, Article II

Members of an Ohio Constitutional Modernization Commission panel aren't sure whether they'd like to tackle a change to constitutional language on grand juries.

During a meeting Thursday, the OCMC's Judicial Branch and Administration of Justice Committee continued discussion on the topic of grand juries.

The meeting came just a day after the Ohio Supreme Court's grand jury task force finalized its report on recommended changes to the grand jury process. (See [Gongwer Ohio Report, July 13, 2016](#))

But the OCMC committee, which was previously asked by Chief Justice Maureen O'Connor to examine the issue, is continuing to debate whether to forward recommended changes to Article 1, Section 10 - which creates grand juries - to the full commission.

Among the changes the panel would likely make would be to create an independent advisor for such juries. Grand jury members currently receive their counsel from the prosecutor, which opponents argue can skew the process against the defendant or the subject of investigation.

But several committee members said they're not sold on the need to change the constitution and that a statutory change would be more appropriate.

Sen. Kris Jordan (R-Ostrander) said if the language doesn't provide adequate protections, it does provide at least a "minimal layer of protection of rights." Any other necessary protections should be installed by lawmakers.

"I don't see anything, at least at this point, that needs to be changed in the constitution," he said.

Member Mark Wagoner agreed, saying he hasn't heard any cause for changing or removing the language.

"I am intrigued by the idea of attorney adviser," Mr. Wagoner said. "I think that's worth exploring, but I don't think there's anything in the constitution that prohibits that. So I'm comfortable with the current language of the Ohio constitution."

Member Richard Saphire said it's unclear to him whether the legislature has the power to create such a role.

"If I was confident a legislature or common pleas court or the Supreme Court has the authority to require the creation of an attorney adviser...I might be less inclined to think about whether it's a good idea to amend the constitution," Mr. Saphire said. "I just don't know if the legislature has the power to do it."

OCMC Senior Policy Adviser Steven Steinglass opined that the legislature does have such authority, similar to how lawmakers created the office of the prosecutor.

"The legislature has broad legislative power to enact legislation. I think it's pretty clear the legislature could establish a system of advisers to grand juries," Mr. Steinglass said. "I don't think there's much doubt the General Assembly would have the power."

Ohio Prosecuting Attorneys Association Executive Director John Murphy told the panel that the grand jury process is accusatory in nature and not adjudicatory. He questioned the idea of an outside adviser, whom he said would likely be a former prosecutor or defense attorney.

"Which means we're going to have a defense lawyer advising a grand jury on our cases we're going to take before a grand jury," he said. "I just don't see that working. I think it's impractical frankly and creates lots of conflicts and things that I don't think should be there. We're not deciding this case. We're not deciding at this stage guilt or innocence."

Committee Chairwoman Janet Abaray indicated she'd like for a defense attorney to address the committee on the idea, though Mr. Wagoner said the committee has already explored the topic for one year and that there's likely no information that will change his mind.

Member Jeff Jacobson suggested the committee continue exploring the issue as needed but refrain from making it the focal point of the committee's work.

"Some people who strongly feel that we're done," he said. "And there are some of us who still want more information. So I suggest we don't make this the large topic of continuing meetings but if there's more we could do toward arriving at a consensus I'm hopeful we can do that while simultaneously pursuing other topics."

**Legislative and Executive Committee:** OCMC Executive Director Steven Hollon briefed members on the issues within Article II awaiting the discussion of the OCMC's Legislative Branch and Executive Branch Committee.

To aid the committee, which has not yet delved into Article II in detail, he broke down the article's provisions into 10 related categories, including legislative power, qualifications and elections of legislators, enacting laws and others.

Mr. Hollon said the committee could endeavor to keep related provisions together in the same report or rearrange some constitutional language so that provisions pertaining to the same topic are included in a single section.

"One of the goals (of the OCMC) it seems is to make the constitution clearer, more readable, and by doing that more transparent - to not only the lawyers of the state but for the citizens of the state - about what the constitution means," Mr. Hollon said.

Responding to a question from member Herb Asher, Mr. Hollon said rearranging sections could create difficulties with statutes referring to specific constitutional language.

Among other potential discussion topics are a pair of proposals put forth by a private citizen, which would prohibit public resources from assisting labor organizations in collecting dues or dues fees from public employee wages and a right to work provision.

"There is plenty of work for the committee's consideration," Mr. Hollon said. "Determining the order and grouping of topics will aid staff in the preparation of reports and recommendations for the committee's approval and submission to the full commission."

The committee voted to transfer Sections 30 - on the creation of new counties - and 39 - on expert testimony in criminal trials - to the coordinating committee with the recommendation they be considered by the Education and Local Government and Judicial Branch and Administration of Justice committees.

The committee initially was set to similarly transfer Section 32, pertaining to divorces and judicial power, before Mr. Steinglass urged caution, noting that the language contains a key provision establishing the separation of powers between the judicial and legislative branches.

### Facilities Commission Approves More Than \$950 Million In School Projects

The Ohio School Facilities Commission on Thursday approved the first round of what is expected to be a total of \$1 billion in project awards this fiscal year.

Members, including new Superintendent of Public Instruction Paolo DeMaria, who was attending his first meeting, voted unanimously to approve 15 new Classroom Facilities Assistance Program projects totaling more than \$950 million.

"This is a critical step in ensuring that our children are in new or renovated facilities that help support academic achievement," OSFC Executive Director David Williamson said in a statement after the meeting.

"There is also a significant economic impact attached to today's Commission action - the construction work generated by this project could translate into both job opportunities for local residents and increased purchases of goods and services from local businesses."

In previous years, the agenda for the commission's first meeting of the fiscal year included all the projects it would fund, but changes were made to allow schools to apply for the funding and be approved each quarter, OSFC Chief of Planning William Ramsey said.

Of the CFAP projects that were approved Thursday, four districts have already raised their share of funding and seven have agreed to segmented processes, dedicating resources first to priority buildings, he said. In all, the average project budget is \$63.4 million and the average percentage of state share is 37.8%.

At \$104 million for two new middle schools, a high school and elementary school, West Clermont Local School District's project was the most expensive to receive funding approval, Mr. Ramsey said.

He said the percentage of state share for the projects continues to decline as the commission assists schools that are farther down on the priority list and have a higher capacity for raising their own funds.

"This phenomenon is by design," said Mr. DeMaria who was involved in the commission's creation. "I think the policy recognizes that the earlier schools we addressed were those with the least ability to address these issues."

Among other items, the commission also approved its third STEM school project and its first Corrective Action Program projects.

Tri-Star STEM Compact School will create a facility on Wright State University's Lake County regional campus, Mr. Ramsey said. The project will cost \$16.6 million, half of which the state is funding.

Funding will also go to three districts that have closed out their projects but are now facing issues as a result of the upgrades.

For the first time since the funding stream for such projects was created in 2011, the commission approved corrective action projects that include fixing improperly working HVAC systems and masonry issues. About \$1.45 million will go to the three projects.

Mr. Ramsey said such problems are typically addressed during the project window, but Thursdays approvals reflect situations where issues occurred after the projects closed out or a settlement couldn't be reached because certain vendors are no longer in business.

All funding approved by the commission will head next to the Controlling Board for final authorization.

Members also accepted updates to project agreement templates. The revisions made in response to new state laws prohibit schools from entering into project labor agreements that include residency requirements and address the state's superior interest in cases where local share comes from lease-purchase agreements.

## DeWine Announces Partnership To Implement Next Generation Sequencing Of DNA In Missing-Persons Cases

A breakthrough in technology developed by Battelle could soon allow the Bureau of Criminal Investigation to solve more missing-persons cases.

Next Generation Sequencing of DNA has the potential to speed the process of identifying remains and one day could allow forensic scientists to determine the traits of a missing person such as eye or hair color based on the results of the testing, Attorney General Mike DeWine said Thursday during a news conference at the BCI Laboratory in London.



Mike  
DeWine

"This will position BCI to be a national leader in DNA forensics," he said. "I am proud to work with Battelle on the future applications of this cutting-edge technology because it's a clear benefit to Ohio families of missing loved ones. With NGS at BCI, we hope to generate faster DNA results and obtain an expanded range of DNA information to help investigators make identifications."

The technology, which Battelle has been developing for the past five years, has the potential to hasten the identification process of human remains and allow forensic scientists to return a DNA profile even if those remains are extremely degraded.

Normal DNA testing often does not yield a DNA profile if remains are too degraded. In those cases, the remains are sent out of state for specialized DNA testing, which can sometimes take up to six months.

"That's a long time for a family to wait," AG DeWine said.

In-house testing using NGS, however, can be done as quickly as a week or less.

There are currently about 600 missing children and 600 missing adults in Ohio. There are also at least 90 unidentified remains that have been found in the state, according to AG DeWine.

Officials hope to have the process validated and the data approved for entry into the FBI's Combined DNA Index System within two years.

"In forensic cases in the real world, we have a much higher standard. That's the difference between what we are doing and what you sometimes see on TV," Mr. DeWine said of the need for validation of the testing.

In the not-too-distant future, the AG said, the technology has the potential to provide information on the traits of an individual, such as facial features, which could lead to a sketch of the missing person and better identification of remains.

While the new technology will initially be used in missing-persons cases, AG DeWine said the scope could be expanded to criminal cases such as rape and murder.

"The future of forensic science is here and it's happening right now," he said.

Battelle President and CEO Dr. Jeffrey Wadsworth said his company has so far spent about \$6 million on the technology, \$5 million of which came from outside sources.

"Collaborating with the Ohio Attorney General's Office and the illustrious BCI laboratory is a great opportunity for our scientists who are advancing this important technology," he said. "It puts Ohio in the leadership position of doing what others in the nation have not yet achieved and aligns with Battelle's core mission of investing in original research that will provide societal benefits."

Mr. DeWine said the collaboration is yet another innovative collaboration between his office and an outside entity, noting the partnership with Bowling Green State University for a crime lab on campus, research on gun violence done in conjunction with Ohio State University and the creation of an economic development manual in partnership with the Ohio Chamber of Commerce.

"This is the way I think government has to work from now on," he said. "These partnerships are essential."

Portman Surges To Lead In Latest Swing State Poll; Strickland Raises \$2M In Q2

Quinnipiac University's latest poll of three swing states is good news for incumbent Republican U.S. Senators including Rob Portman, who has opened up a seven-point lead on Democrat Ted Strickland.

The Polling Institute's survey of voters in Ohio, Florida and Pennsylvania found incumbents with fairly comfortable leads. It noted that former Gov. Strickland had an early lead over Mr. Portman.

"The numbers seem to be breaking the Republican way in the battle for control of the U.S. Senate, at least when it comes to the critical swing states of Florida, Ohio and Pennsylvania," Peter Brown, the poll's assistant director, said in a release.

"Democrats made fun of Sen. Marco Rubio when he opted for a last-minute re-election bid in Florida, but he may be on the way to a last laugh, having quickly opened double digit leads over both Democratic challengers," he said.

"In Ohio, Sen. Portman had trailed for much of the campaign, but now has moved clearly ahead of Democratic challenger Ted Strickland, a former governor. In Pennsylvania, incumbent

Sen. Pat Toomey, who has led from the start, maintains a double-digit margin."

Sen. Portman leads Mr. Strickland 47-40%, according to the poll.

Just last month, Quinnipiac's survey found the pair were locked in a dead heat. (See Gongwer Ohio Report, June 22, 2016) In earlier iterations, Mr. Portman trailed his challenger by as much as nine points.

In Florida, U.S. Sen. Marco Rubio tops U.S. Rep. Patrick Murphy 50-37% and U.S. Rep. Alan Grayson, another possible Democratic challenger, by 50-38%, the poll reported. In Pennsylvania, U.S. Sen. Pat Toomey leads Democrat Katie McGinty 49-39%.

Mr. Brown opined that the numbers indicate that predictions of negative impacts trickling down ticket from the polarizing Donald Trump, who is poised to assume the Republican nomination next week, have not materialized.

"Many talking heads have suggested that with Donald Trump at the top of the GOP ticket, Republican Senate candidates might suffer," he said. "But at least in these three key states, the Republican Senate candidates are running ahead of Trump and don't seem to be hurt by their shared party label."

Meanwhile, the poll found President Barack Obama "under water with negative job approval ratings" in the three states, reflecting a drop from improved ratings in Quinnipiac's June 22 poll.

He approval rating is 47-50% in Ohio, virtually unchanged from 48-50% last month, the poll found. In Florida he plummeted to a 44-53% rating compared to 54-42%, and in Pennsylvania the numbers fell to 45-53% from 51-47%.

The telephone poll of between 982-1,015 voters was conducted June 30-July 11 with a margin of error of 3.1-3.2%.

**Strickland:** Former Gov. Ted Strickland raised more than \$2 million during the second quarter, according to a release from his campaign.

That includes \$1.9 million raised for the campaign and more than \$100,000 raised by the Strickland Ohio Victory Fund for the Ohio Democratic Party.

The latest fundraising totals leave the Senate challenger with \$4 million cash on hand, according to the campaign.

"The strong and consistent grassroots support our campaign has received is more proof that Ted's message of fighting for working people is resonating across Ohio," Strickland Campaign Manager Rebecca Pearcey said.

Sen. Portman last week announced he had raised \$3.8 million in the second quarter, including about \$1 million for the Ohio Republican Party. The senator has continuously outraised Mr. Strickland in recent quarters. (See

Gongwer Ohio Report, July 6, 2016)

But Ms. Pearcey said the former governor's fundraising shows he is connecting with everyday Ohioans.

"No amount of money from Sen. Portman or his rich and powerful friends can change the facts about Portman's record: he's a dedicated outsourcer of Ohio jobs, the ultimate Washington insider, and he's pushing the agenda of the wealthy and well-connected at the expense of Ohioans who actually work for living," she said.

In response to Mr. Strickland's latest numbers, Portman spokeswoman Michawn Rich said, "Ted's lackluster, low-energy fundraising report is the latest disappointment to the dismay of national Democrats and Harry Reid's Super PAC which is being forced to spend millions of dollars to paper over Ted's horrible record of refusing to stand up to China and failing Ohio as governor."

### Funeral Services Set for Former Rep. Jim Carmichael

Funeral Services are set this weekend for former Rep. Jim Carmichael, who died unexpectedly at home Wednesday at the age of 76.

Mr. Carmichael, a Wayne County Commissioner who was also a former mayor of Shreve and chairman of the county GOP, served in the House from 2001-2008.

During his tenure in the House he served as chairman of the State Government Committee, and in the 125<sup>th</sup> General Assembly joined the leadership team of the House Majority GOP Caucus under then-Speaker Jon Husted.

After leaving the legislature he was elected to serve as county commissioner, according to his bio on the Wayne County Republican Party's website. His local public service included a stint as Shreve's mayor from 1971-79, and as a member of the county board of elections. He also served six years in the Ohio National Guard and was a member of the Shreve Fire and Police Departments and the Wayne County Citizens Task Force.

In the private sector, Mr. Carmichael worked 32 years for what is now Dominion East Ohio Gas Company, where he started as a meter reader and worked his way up to district manager for the Wooster Region.

Mr. Carmichael is survived by wife Carolyn, daughters Keely and Debbie, stepsons Scott and Tim, several grandchildren and great-grandchildren, and sisters Ruth and Jane.

Calling hours are set for 5-8 p.m. Saturday at Zion Lutheran Church, 222 E. Main St. in Loudonville. The funeral service will be 1:30 p.m. Sunday at Zion Lutheran Church. Schlabach Funeral Home in Shreve is handling arrangements.

The family suggests in lieu of flowers that memorial contributions be made to the American Heart Assoc., 1689 E. 115<sup>th</sup> St. Cleveland, OH 44106, Clinton Twp. Fire Rescue, P.O. Box 511, Shreve, OH 44676, or a charity of donor's choice.

Supplemental Event Planner

### Thursday, July 28

Rep. Greta Johnson (D-Akron) fundraiser, Old 97 Café, 1503 Kenmore Blvd., Akron, 4:30 p.m., (\$35 to Friends of Greta Johnson)

### Wednesday, August 3

Rep. Dan Ramos (D-Lorain) fundraiser, St. Lad's Picnic Grounds, 4221 Clinton Ave., Lorain, 5 p.m., (\$25 to Friends of Dan Ramos)


## Friday, August 12

Ohio House Democratic Caucus Golf Outing fundraiser, Foxfire Golf Club, 10799 OH-104, Lockbourne, 9 a.m., (Shotgun start at 9:00a.m.)

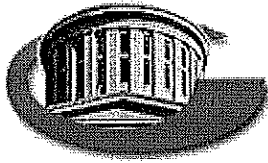
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Scott Miller, President | Alan Miller, Vice President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

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**GONGWER** Ohio  
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Legislative Committee Schedules beginning 7/15/2016

## Thursday, July 21

~~Canceled: **Joint Medicaid Oversight Committee** (Committee Record) (Chr. Burke, D., 466-1731), Senate Finance Hearing Rm, 9 a.m.~~

**NOTE:** Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the  after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

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Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

**Sweet corn, Ohio State Fair tickets**

1 message

**Our Ohio e-letter** <info@ourohio.org>

Reply-To: info@ourohio.org

To: sml@sarahlatourette.com

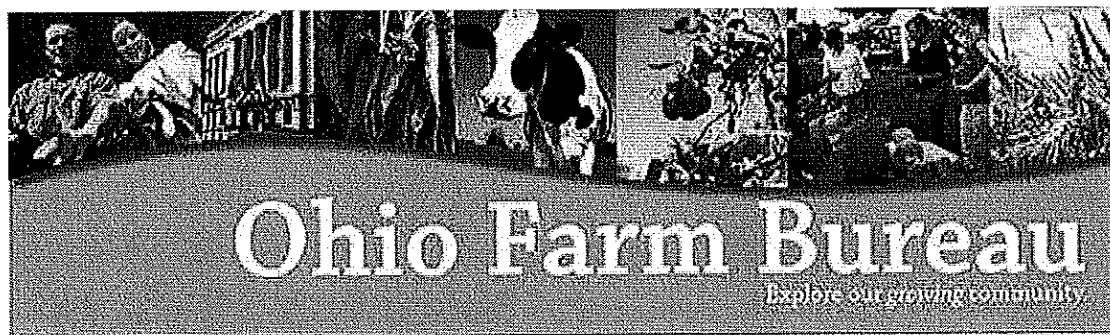
Fri, Jul 22, 2016 at 7:21 AM

Sweet corn, Ohio State Fair tickets, local water quality programs, events calendar, General Motors bonus cash

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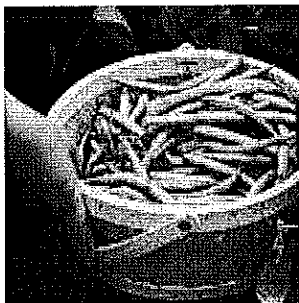
**Win tickets to the Ohio State Fair**

The Ohio State Fair begins July 27 and runs through Aug. 7. Ohio Farm Bureau once again will present its Land and Living exhibit in the Nationwide Donahey Ag and Hort Building, featuring a free photo opportunity, chicks, rabbits and dogs, a tractor simulator, a train display, face painting and multiple information booths on topics ranging from Ohio Christmas trees, Ohio nuts, pork, soybeans, corn, wheat, aquaponics and water quality. Take Our Ohio State Fair Quiz for an opportunity to win four tickets and parking passes to the fair. Make sure to tag your fair photos and

videos with #OHFairShare on Facebook for the chance to be featured in the Our Ohio fair album later this summer.

**MORE**

## Working in the garden yields multiple benefits



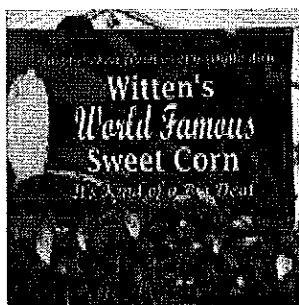
The health benefits associated with gardening are well documented.

the other benefits?

First, growing your own fruits and vegetables increases the chance that you'll eat the amount of produce recommended by the Dietary Guidelines for Americans: 2-3 cups of vegetables and 1.5-2 cups of fruit each day. Can you guess

**MORE**

## Sweet corn season



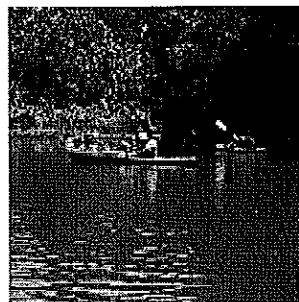
The Witten family is one of the largest sweet corn growers in the state. Our Ohio magazine featured the farm and the story of finding reliable farm labor.

Being sweet corn experts, the Wittens also shared four methods to prepare sweet corn: grill, boil, bake and microwave. We saved them in a handy graphic perfect for Pinterest.

Enjoy some Ohio sweet corn in this Grilled Corn Custard recipe.

**MORE**

## Local efforts to improve water quality



Ohio Farm Bureau Federation is providing \$200,000 for county Farm Bureau-led projects that help improve water quality in local communities. These projects are spread out across the state with participation from dozens of partnering organizations that include conservation, government, university, health and private entities. See what projects made the list.

**MORE**

## Member benefit spotlight: General Motors

The 2017 models are now eligible for the \$500 General Motors discount available to Ohio Farm Bureau members. This \$500 "Bonus Cash" goes toward the purchase or lease



of new Buick, Chevrolet or GMC vehicles. This Farm Bureau member advantage is offered for vehicles purchased or leased through Farm Bureau's GM Bonus Cash program, GM vehicle. Farm Bureau members also have the ability to stack "Bonus Cash" offers with another GM offer, such as Owner Loyalty. Note: Chevrolet is currently running a "Summer Sell Off" incentive on 2016 model year vehicles and this does not stack with the Farm Bureau discount.

[MORE](#)

## Late summer events

Link's Country Meats Open House, July 27, Crestline

Home Grown in Darke County, July 27, Versailles

Cuyahoga County Bus Trip to the Ohio State Fair, July 29, Berea

Erie County Farm Bureau Water Quality Tour, July 29, Tiffin

Farm to Plate cooking demonstration, July 30, Shelby

Native Plants to Grow at Home, July 31, Cleveland

Vintage Ohio, Aug. 4 and 5, Kirtland. Special pricing for Farm Bureau members.

Preserving the Harvest, Aug. 6, Cleveland

Farm Days at COSI, Aug. 10-14, Columbus. Special pricing for Farm Bureau members.

Putnam County Ag Tour, Aug. 13, Ottawa

Keep Calm and Stay Safe, Aug. 13, Dover

Union County Eat Local Food Fight, Aug. 13, Marysville

Season's Harvest, Aug. 18, Burbank

[MORE](#)


**Nationwide**  
is on your side



Ohio Farm Bureau Federation  
P.O. Box 182383, Columbus, Ohio 43218-2383  
Phone - 614-249-2400 | Fax - 614-249-2200 | Email - [info@ourohio.org](mailto:info@ourohio.org)

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Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

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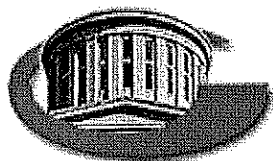
**Ohio Report, Tuesday, August 2, 2016**

1 message

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To: sml@sarahlatourette.com

Tue, Aug 2, 2016 at 5:34 PM

**GONGWER** Ohio  
The Record of Capitol Square Since 1906**Ohio Report for Tuesday, August 2, 2016**

ODE Seeks Lawsuit Dismissal After Judge Orders ECOT To Hand Over Student Attendance Records

House Seats Republicans Gavarone, Merrin As Democrats Slate New Candidates

Value-Based Payment Program Focused On Primary Care Physicians To Begin In 2017, Kasich Announces

Agriculture Committees Hear Updates On Water Quality, Farming Issues At State Fair

Report Recommends Performance Funding, Selective Admissions To Improve E-School Academics

Politics Notebook: Clinton Campaign Lands \$63M In July; Rosenberger Meets With Trump; Portman Launches Outreach to Unions...

Governor's Appointments

Supplemental Event Planner

**Activity Reports**

House

**Calendars**

Day Planner

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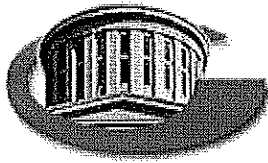
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 **Aug2.htm**  
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 **Aug2House.htm**  
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## Daily Activity Planner for Wednesday, August 3

### Legislative Committees

No legislative committees scheduled.

### Agency Calendar

**Board of Building Appeals**, Training Rm. 1, 6606 Tussing Rd., Reynoldsburg, 8 a.m.

**Real Estate Commission**, 22nd Fl., 77 S. High St., Columbus, 9 a.m.

**Construction Industry Licensing Board**, OCILB Conf. Rm., 6606 Tussing Rd., Reynoldsburg, 10 a.m.  
(Plumbing Section)

**Ohio Collaborative Community-Police Advisory Board**, Ohio Department of Public Safety Atrium, 1970 W. Broad St., 1st floor, Columbus, 10 a.m.

**Public Utilities Commission of Ohio**, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

### Event Planner

**Senate and House Democrats news conference on jobs legislation**, Harding Senate Press Room, Statehouse, Columbus, 10 a.m.

**Ohio Chapter, American Academy of Pediatrics and the Ohio Department of Health news conference on Meningococcal vaccine**, Ladies Gallery, Statehouse, Columbus, 10:30 a.m.

**Subodh Chandra news conference on Ohio election laws**, ProgressOhio, 35 E. Gay Street, Suite 404, Columbus, 1 p.m.

**Rep. Dan Ramos (D-Lorain) fundraiser**, St. Lad's Picnic Grounds, 4221 Clinton Ave., Lorain, 5 p.m., (\$25 to Friends of Dan Ramos)

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# GONGWER Ohio

The Record of Capitol Square Since 1906

**Volume #85, Report #148 -- Tuesday, August 2, 2016**

## ODE Seeks Lawsuit Dismissal After Judge Orders ECOT To Hand Over Student Attendance Records

The state's largest e-school is in the process of gathering student attendance data following a judge's order that it hand over the documents it had been withholding from the Department of Education.

By the end of this week, the Electronic Classroom of Tomorrow will supply information that shows the duration students spent logged into their online accounts, school spokesman Neil Clark said.

The documents were ordered to be due by 5 p.m. Tuesday, but both parties agreed that more time is needed to gather the thousands of pages of attendance files that are at the center of a pending lawsuit.

Monday afternoon's ruling was the second win for ODE as part of an ongoing legal battle with ECOT, which sued the agency over its request for student-log out times. Last month, a judge ruled that the department could continue with a scheduled attendance audit by rejecting a temporary restraining order request from ECOT.

ODE's next move is to see that the lawsuit is dismissed. Following the judge's order that ECOT submit the requested files, the agency filed a motion with the court explaining why the case should be thrown out.

Primarily, the agency's attorney argued that the e-school's complaint is "not ripe." ECOT has said it could lose millions of dollars if ODE uses student log-in information as the only source of attendance data to determine full-time equivalency and is asking the court to prohibit the department from doing so.

ODE Counsel Douglas Cole wrote in the latest court filing that the department has until Sept. 30 to make determinations about funding based on student attendance.

"This case is premature, as the determinations about which ECOT complains have not yet occurred," he said. "Moreover, once ODE reaches an initial funding decision, ECOT can challenge that determination before the State Education Board, where it can make the very arguments it presses here."

"Thus, ECOT's claims are not ripe, and ECOT has failed to exhaust its administrative remedies," he continued. "Even if ECOT's claims were not untimely, the challenges it raises fail as a matter of law as, under the relevant statutes and agreements, ODE is entitled to consider evidence of actual attendance in determining ECOT's appropriate funding for the 2015-16 academic year."

ECOT has contended that the latter is not the case, however. Its attorney has told the court that state law and a contractual agreement requires ODE to only take into account the participation of students in 920 hours of "learning opportunities," whether those take place online or elsewhere.

Mr. Clark said it's likely the school will file an objection to ODE's motion to dismiss the case. It would express to the court that the case is not about handing over the information, but rather the possibility the agency could use that to calculate funding in a way that's not consistent with their contract.

"We were very much aware of the fact we could have done this through (an administrative appeals process) and we chose not to do that because we have a contract," he said in an interview.



"We're pretty confident once we get in the deposition mode and go through all our discovery of emails we'll be able to make a nice case that there have been some suspicious activities going on since there wasn't a superintendent," Mr. Clark added, referring to the first six months of the year when the department was under the direction of an interim superintendent.

An evidentiary hearing in the Franklin County common pleas court is planned for Aug. 8, with a trial not set to begin until next summer.

Asked whether the legislature would get involved to settle the debate about how full-time equivalency can be calculated for e-schools, Speaker Cliff Rosenberger (R-Clarksville) said it's not clear whether further action is needed beyond what was included in a charter school overhaul bill (HB 2) earlier this year.

"We passed HB 2 and we're really proud of our accomplishment of getting that done," he told reporters Tuesday. "If we need to look at doing some more we'll look at it. Conversations will continue to happen to look at these if there's a real need and an issue there. So we'll evaluate that and move forward as we see fit."

### House Seats Republicans Gavarone, Merrin As Democrats Slate New Candidates

Members of the Ohio House on Tuesday swore in a pair of newcomers while saluting departing members Rep. Barbara Sears and Rep. Tim Brown.

Former Bowling Green City Council member Theresa Charters Gavarone was sworn into the 3<sup>rd</sup> House District seat while former Waterville mayor Derek Merrin was installed to represent the 47<sup>th</sup> House District.

The two Republicans will face two newly appointed Democratic candidates this fall after previously slotted primary winners withdrew in recent months.

A House panel chose Ms. Gavarone, an attorney, in July to succeed former Rep. Brown (R-Bowling Green). Mr. Brown resigned this summer to lead the Toledo Metropolitan Area Council of Governments. (See Gongwer Ohio Report, July 13, 2016)

Colleagues saluted him Tuesday as a humorous and kindhearted member of the House, while welcoming Ms. Gavarone, who called her appointment a "tremendous honor."

Ms. Gavarone's time on the city council has included chairing the Public Lands and Buildings Committee, along with other committees. She has spent 22 years as an attorney and co-owns a downtown Bowling Green restaurant with her husband.

Ms. Gavarone will face Democrat Kelly Wicks in November. Mr. Wicks is the owner of a Bowling Green coffeehouse and mounted previously unsuccessful bids for the seat in 2012 - ultimately losing to Mr. Brown - and for the city's mayorship in 2015.

Mr. Wicks was selected by Democrats after primary winner David Walters withdrew from the race earlier this year.

Mr. Merrin, meanwhile, won a three-way Republican primary for the seat formerly occupied by former Rep. Sears (R-Maumee), who left in June for a job with the governor's Office of Health Transformation.

Members on both sides of the aisle applauded Ms. Sears, who they described as having an encyclopedic knowledge of the health insurance field and beyond.

Mr. Merrin, who was endorsed by Rep. Sears and several other Republican lawmakers in the primary, is a former single-term mayor who subsequently worked for the state auditor's office and as a realtor. (See Gongwer Ohio Report, February 22, 2016)

Mr. Merrin was to face Democrat Michael Sarantou of Sylvania until the candidate withdrew due to health concerns. The party has since tabbed Democratic Toledo attorney Lauri Cooper for the candidacy.

Ms. Cooper spent 13 years as an assistant attorney general working with the University of Toledo, according to an online profile. She previously worked as an attorney for ProMedica Health System and Valeo.

#### Value-Based Payment Program Focused On Primary Care Physicians To Begin In 2017, Kasich Announces

Ohio will launch a comprehensive primary care payment program next year designed to pay medical practitioners for the value of the work rather than the volume in an effort to keep the cost of health care down and quality up, Gov. John Kasich announced Tuesday.

The CPC program will let the state's four largest private insurance plans, along with Medicare and Medicaid, pay doctors for the value and quality of the work done, the Kasich administration said.

"By working together with our partners in the health care industry, we've developed a primary care system that rewards providers who keep costs low, while at the same time help Ohioans lead healthier lives and keep more money in their pockets," Gov. Kasich said in a statement. "Our new effort will better serve those receiving both public and private care, and can serve as a model for other states to follow."

The program is part of a years-long focus by the Governor's Office of Health Transformation and the Department of Medicaid to emphasize patient-centered medical homes, in which the primary care provider is the leader of a team focused on the patient's care, and paying for value. That system is designed to bring down overall costs by incentivizing doctors to focus on overall outcomes while also keeping costs low.

Approved primary care practices will be able to earn value-based payments starting Jan. 1, 2017, according to OHT. The federal Centers for Medicare and Medicaid Services announced Monday that Medicare will also be providing enhanced payments for certain primary care practices in Ohio through a similar program called Comprehensive Primary Care Plus. Primary care practices in the Medicare program will be invited to join Ohio's CPC program.

After Jan. 1, 2018, any practice that meets the state requirements can join the state program.

"This is a key step forward for Ohio to reset the basic rules of health care competition to reward value instead of volume," OHT Director Greg Moody said in a statement. "Working together, health care payers, providers, and patient advocates set aside competing interests to agree on system changes that have the greatest potential to maintain and improve health while holding down costs. Only through the leadership of Governor Kasich and the eagerness of Ohio's health care industry to embrace significant changes to improve primary care has this progress in payment innovation been made possible."

The administration has been working on a model for improving health outcomes while reducing costs for years. In updates to lawmakers, officials have stressed that incentivizing a team-based approach would make life easier for patients and improve health outcomes.

The heads of the state's major private health plans and Medicaid managed care organizations praised the announcement.

"Health and well-being are driven by factors in our homes and communities, and our local institutions are best positioned to help our people get and stay healthy," Brad Fischer, the executive director for Aetna in Ohio and Kentucky, said in remarks distributed by the governor's office. "Working closely with the state to deliver the innovative CPC+ program is another great way we are striving for higher quality care at a lower cost for consumers."

Erin Hoefflinger, the president of Anthem Blue Cross Blue Shield of Ohio, said Anthem has worked with the state for years to implement a value-based model for the state.

"For several years now, Anthem has partnered with both of these agencies and with Ohio's leading health care providers to evolve our healthcare system to a value-based model that has led to improved health outcomes, reduced cost and a better health care experience for Ohioans," she said. "CMS' decision to make Ohio a CPC+ region is an important addition to the momentum building in our state and we look forward to expanding this model even further in the years to come."

### Agriculture Committees Hear Updates On Water Quality, Farming Issues At State Fair

Lawmakers heard updates about farming and water quality in Ohio Tuesday at a joint meeting of the House and Senate agriculture committees at the Ohio State Fair.

While no votes or other actions were taken, agency directors and agriculture leaders presented on a variety of topics, particularly on efforts to improve the quality of the state's water.

Ohio EPA Director Craig Butler and Department of Agriculture Director David Daniels updated legislators about the state's efforts to improve the water quality in Lake Erie and other bodies of water to avoid harmful algal blooms.

Western Lake Erie is in better shape this year than it was last year, Director Butler said, though part of that has to do with natural forces.

"The water quality in Lake Erie this year is very good in part because we did not have significant rainfall this year in the western basin of Ohio," he said. "We don't want to have to rely every year on whether or not it's raining in the spring on whether or not water quality is affected."

Director Butler stressed the importance of the state working with farmers and others to reduce the amount of phosphorus, which spurs the growth of harmful algae, into the state's waterways. Ohio, Michigan and Ontario have signed an agreement, he said, to reduce the release of phosphorous by 40%, and the state remains committed to that goal.

"We wanted to make sure that we just didn't sign this collaborative and it went away," he said.

Rep. Michael Sheehy (D-Oregon) said he appreciated the work the state has done to partner with farmers to make sure everyone is involved in solving the problem.

"We understand up there that ag is committed as well as anyone else is committed and more to water quality in northwestern Ohio," he said.

Director Daniels said farmers are taking the lead in reducing the amount of phosphorous that makes its way from farm nutrients into runoff.

"I am proud of what agriculture is doing. They are stepping forward and working on their part of the problem," he said. "We understand that this is a problem for everybody. Not only do we need safe, clean water for our livestock but also for our families as well."

**School Water:** Director Butler told the committees that the Ohio EPA is working with the Department of Education, the Ohio Facilities Construction Commission and the Department of Health to test the water fixtures in every school around the state for lead.

"There's a lot of emphasis around schools and making sure that our schools don't have water fixtures and water coolers that have lead," he said.

Department of Natural Resources Director Jim Zehringer touted work to streamline the department, particularly legislation (SB 293) that combined the divisions of parks and watercraft.

"We've made our parks safer and we've made our boating community safer," he said.

He also addressed the continued growth in the oil and gas industry in the state, saying companies continue to drill more wells in eastern Ohio.

"That's not as rapid of growth as we've seen in the past few years but it is steady growth," he said.

Director Daniels spoke of efforts to educate the general public, particularly young people, about agriculture. He talked about the Ag is Cool program at the fair, which encourages children to visit booths and buildings focused on farming.

"We stop and think about the people who think that a dozen eggs come from the grocery store. That bread comes from the same place," he said.

"It allows us to teach those young folks and give them that connection to agriculture," he added.

Ohio State Fair General Manager Virgil Strickler said the fair and the Ohio Expo Center have both grown and thrived in recent years. He said a new multipurpose building on 17<sup>th</sup> Avenue across from the Expo Center has already booked 13 events for the next year. Improvements to the facilities allowed the Expo Center to keep the All American Quarter Horse Congress in town.

Jack Fisher, the former executive vice president of the Ohio Farm Bureau who retired last month after 20 years in that position, praised the fair for bringing farmers and non-farmers together.

"This is America's showcase for agriculture," he said. "You can come here, have fun, enjoy some food and learn things with your family."

Adam Sharp, the Farm Bureau's new executive vice president, said it's important for all farmers to work together.

"We're producing food for America, all of our farmers are. We do it together, that's what makes Ohio agriculture work," he said.

Mary Buehler, the Ohio State Fair Queen and State President of Future Farmers of America, spoke about the need to connect young people with agriculture.

"In Ohio there's nearly 100,000 youth in FFA and 4-H, and they've all been blessed by the gift of agriculture," she said. "But why should we limit it to those 100,000?"

Dr. Rustin Moore, dean of the college of veterinary medicine at the Ohio State University, spoke about the importance of providing veterinarians for Ohio's farmers. Asked by House Agriculture Committee Chairman Rep. Brian Hill (R-Zanesville) what his college needs, he said more resources to make vet school more affordable for students. His program is one of the best in the country, but it's also one of the most expensive in the country, he said, with in-state tuition of about \$30,000 per year.

#### Report Recommends Performance Funding, Selective Admissions To Improve E-School Academics

A new report examining e-school student demographics and performance is offering recommendations to improve the education sector in response to consistent findings showing enrollees are performing worse than their peers in brick-and-mortar schools.

The Fordham Institute commissioned report found that - in line with previous studies - Ohio's e-school students are performing worse academically than similarly situated students in both traditional and brick-and-mortar charter schools.

The report offers recommendations to combat the dismal stats, suggesting that the state pay its 24 e-schools based on student performance, allow them to selectively admit students that are a good fit with virtual learning

and create opportunities for students to take a few courses online while staying enrolled in brick-and-mortar schools.

"Though the age of online learning has dawned, it's evident that there is much room for improvement as far as online schooling goes-especially in Ohio," according to the report. "There is great opportunity in the state, and others, to provide a high-quality education to students via fully online schools (and online courses, and blended learning), especially for students who don't have what they need in the school building closest to home."

Between 2009-2013, e-school enrollment spiked by 60% while declining in traditional schools, the study concluded in 2015, 2% of all Ohio students were taking classes full time online.

Researchers found that students attending virtual schools were more likely to be lower achieving, repeated a grade, eligible for free and reduced-price lunch and less likely to receive gifted education.

Because of the makeup of the schools, researchers said it's important that school leaders and policymakers consider the best way to reach those students who may already be failing in traditional schools and are disengaged.

"Research on distance learning in higher education has found that more is needed besides access to a computer in a distant room; even adults are seldom motivated and disciplined enough to succeed that way," the report said.

"E-schools can facilitate an understanding of how to leverage online curricula-along with richer and deeper learning environments-for the neediest and most underserved high (and younger) learners. From this potential evidence base, providers then need to be held to high standards of practice relative to the populations they serve."

The report, meanwhile, provides what it deemed good news for general charter school advocates.

In analyzing student academic performance, researchers found that brick-and-mortar charter school students' academic performance was better, equal to or only slightly worse than students who attended traditional schools.

"The analysis confirms what some charter advocates in Ohio have long suspected- e-schools weigh down the overall impact of the Buckeye State's charter sector," according to the report. "In fact, by separately analyzing e-schools and brick-and-mortar charters, it finds that brick-and-mortar charters have a positive impact on student achievement for students in grades 4-8 when compared to district schools."

At least one e-school is repudiating the study's findings, saying that the negative figures don't apply to all virtual operations.

Ohio Connections Academy, the top-performing e-school in the state for the last six years, said it's supportive of research to improve education options in the state, but it can't be generalized.

"We appreciate Fordham's understanding that online schools can be an effective fit for some students, however we believe the report's broad look at e-schools results in general and problematic conclusions," OCA's superintendent Marie Hanna said in statement. "The Fordham Institute's report fails to recognize that each of Ohio's e-schools are unique, they serve unique students and therefore they have unique results."

Meanwhile, Chad Readler, Ohio Alliance for Public Charter Schools board chairman, said that any future research should also take into account student mobility and per-pupil funding - aspects the Fordham report didn't touch on.

"Any discussion of achievement and outcomes in online schools should include data on length of enrollment in an e-school, the average virtual school per-pupil state funding of \$6,881, and the resources needed to recruit and retain top teachers," he said in a statement.

"Education and policy leaders should continue to expand the knowledge base for developing the most effective online learning practices," he continued. "Our collective focus should remain on supporting high quality options for Ohio's students in the school setting that best suits their goals and needs. It is critical that all charter schools, including online schools, receive the funding required to provide a quality education."

Politics Notebook: Clinton Campaign Lands \$63M In July; Rosenberger Meets With Trump; Portman Launches Outreach to Unions...

Hillary Clinton saw her best fundraising month yet, raising a reported \$63 million for her campaign.

An additional \$26 million was raised for the Democratic National Committee and state parties through her action and victory funds, according to a campaign release, putting the total haul at about \$90 million.

The numbers mark the most successful fundraising month yet for the Democratic nominee and leave the campaign with \$58 million in cash on hand.

"We come out of the Democratic National Convention with our party united and our supporters energized for the final 98 days of this campaign," Campaign Manager Robby Mook said in a statement. "Our goal for the next 98 days is to take the remarkable outpouring of support we saw as Hillary Clinton took the stage in Philadelphia and build on our efforts to organize and mobilize millions of voters to elect progressive candidates up and down the ballot in November."

During a campaign stop Monday in Columbus, GOP nominee Donald Trump claimed to have raised \$35.8 million in July from more than 500,000 donors. The campaign has not yet released fundraising details. (See Gongwer Ohio Report, August 1, 2016)

Official filings with the Federal Election Commission will be available later this month.

During that speech, Mr. Trump accused Ms. Clinton of being beholden to large donors. The Clinton campaign said its donations for July averaged \$44 and that 54% of gifts came from new donors.

The campaign said \$8.7 million came in between July 28-29, marking its best 24-hour period of online fundraising to date.

Ms. Clinton's announcement came the same day President Barack Obama - in the strongest way yet - rebuked Mr. Trump as "unfit to serve as president." At the same time U.S. Rep. Richard Hanna (R-N.Y.) became the first Republican to announce he would not support Mr. Trump and will instead vote for Ms. Clinton.

Meanwhile, Mr. Trump criticized recent polling showing Ms. Clinton received a boost after the Democratic National Convention as "phony" during campaign stops Tuesday.

**Meeting:** House Speaker Cliff Rosenberger (R-Clarksville) met "very briefly" with GOP nominee Donald Trump earlier this week.

Speaking to reporters after a Tuesday House session, Rep. Rosenberger described the Monday meeting that took place as the candidate campaigned in Columbus. To start his rally, Mr. Trump pulled several men on stage to speak about the Obama Administration's handling of cleanup efforts at the Portsmouth Gaseous Diffusion Plant in Piketon.

"Pike County is my district so I engaged with him on that conversation and really the disappointment we have with the administration," Rep. Rosenberger said. "It's a strategic issue, it's a national security issue and that was the conversation that we had yesterday."

Rep. Rosenberger also commented on Mr. Trump's recent attacks against a Muslim couple whose son, an Army captain, was killed in Iraq. Khizr and Ghazala Khan appeared at the Democratic National Convention to criticize Mr. Trump last week, prompting a barrage of attacks between Messrs. Trump and Khan in subsequent days.

"Regardless of where you speak and what you're speaking about, the Gold Star families should be shown respect and honor and upheld in that way," Rep. Rosenberger said of the controversy, calling Capt. Humayun Khan a "hero."

But the speaker said he is unwavering in his support for Mr. Trump, due to Ms. Clinton's handling of classified information on a private email server.

"I think at the end of the day, Donald Trump is going to be in a better position to help our country from a strategic national security point than Hillary Clinton," he said. "If I'm an airman and I make a mistake on top secret information, I'm getting in trouble. So I have little respect for someone that takes and disregards national security as much as she does and I think it's a big problem."

**U.S. Senate Race:** Hoping to capitalize on recent union endorsements, U.S. Sen. Rob Portman (R-Terrace Park) launched a six-figure online ad campaign to court union members and conservative Democrats.

The statewide ad buy will highlight "Rob's fight for Ohio workers and families," according to the campaign. It follows endorsements for the Republican last week from the Ohio Conference of Teamsters and the Ohio Fraternal Order of Police. (See Gongwer Ohio Report, July 26, 2016)

"While Ted Strickland is desperate to distract from our recent union endorsements, we will continue to highlight how Rob is the only candidate in this race truly fighting for Ohio families and workers," spokeswoman Michawn Rich said. "Last week, nearly 100,000 hardworking Ohio union workers and families joined our campaign as they realize Ohio simply can't afford a return to Ted Strickland's Ohio when the state lost more than 350,000 jobs and ranked 48th in job creation."

Democrats are hitting back at Sen. Portman in light of a campaign appearance in Cincinnati Tuesday alongside former President George W. Bush. Democrats used the event to blast Sen. Portman's record both in Congress and serving under President Bush.

Challenger and former Democratic Gov. Ted Strickland criticized his opponent, contrasting Sen. Portman's "full throated endorsement of Donald Trump" with President Bush and Gov. John Kasich's lack of endorsement.

"We welcome President Bush to come to Ohio anytime because it's the perfect opportunity to discuss Portman's record in the Bush White House: as Bush's Trade Czar Portman was the champion for unfair trade deals that cost Ohio hundreds of thousands of jobs, and as Budget Director Portman slashed Medicare, spiked the deficit and set the stage for a global economic catastrophe," Mr. Strickland said in a statement.

The Ohio Democratic Party later released a nearly identical statement on Sen. Portman's record under the former president.

Democrats, meanwhile, are calling for Jeff Mixon, a member of the party's executive committee and leader of a group called Black Lives Matter in Cuyahoga County, to resign after the group endorsed Sen. Portman last week, the Plain Dealer reports.

The group, which has no affiliation with the national Black Lives Matter movement, turned heads with its endorsement earlier this week. The endorsement seemingly violates party bylaws prohibiting committee members to support non-Democratic candidates. (See Gongwer Ohio Report, July 29, 2016)

**Endorsements:** The Ohio Chamber of Commerce Political Action Committee Tuesday announced a slate of 72 candidates it will support heading into November.

Of those, 58 are candidates in the Ohio House and 14 are candidates in the Ohio Senate.

The majority of endorsements were received by Republican candidates, with a few exceptions including: Rep. John Barnes (D-Cleveland) and Rep. John Boccieri (D-Alliance), who are running to retain their current seats,

and former Rep. Vernon Sykes, who is running for the 28<sup>th</sup> Senate District.

The seven races the chamber listed as a priority - in each of which the group has backed the Republican candidate - include:

- Rep. Stephanie Kunze's (R-Hilliard) contest with Democrat Larry Malone for the 16<sup>th</sup> Senate District
- Former Rep. Matt Dolan's contest with Democrat Emily Hagan for the 24<sup>th</sup> Senate District
- Rep. Tim Ginter's (R-Salem) reelection bid against Democrat John Dyce
- in the 5<sup>th</sup> House District
- Rep. Jeff Rezabek's (R-Clayton) reelection bid against Democrat David Sparks in the 43<sup>rd</sup> House District
- Rep. Nathan Manning's (R-North Ridgeville) reelection bid against Democrat Kevin Watkinson in the 55<sup>th</sup> House District
- Rep. Kyle Koehler's (R-Springfield) reelection bid against Democrat Alex Wendt in the 79<sup>th</sup> House District
- Rep. Steven Arndt's (R-Port Clinton) incumbent campaign against Democrat Lawrence Hartlaub in the 89<sup>th</sup> House District

"Our endorsed candidates reflect the mission of the Ohio Chamber of Commerce," Director of Political Programs Rich Thompson said in a statement. "These candidates believe in the free enterprise and economic competitiveness that benefits all Ohioans."

#### Governor's Appointments

**Ohio Turnpike and Infrastructure Commission:** Michael A. Peterson of Massillon (Stark Co.) for a term beginning August 2 and ending June 30, 2020.

**Motor Vehicle Salvage Dealer's Board:** Gary Siciliano of Sagamore Hills for a term beginning August 1 and ending July 31, 2019.

**Local Government Innovation Council:** Thomas M. Humphries of Youngstown for a term beginning August 1 and ending September 30, 2018.

**Ohio Board of Motor Vehicle Repair:** Scott E. Murray of New Albany (Franklin Co.) for a term beginning August 2 and ending January 1, 2019.

#### Supplemental Event Planner

### Wednesday, August 3

**Senate and House Democrats news conference on jobs legislation, Harding Senate Press Room, Statehouse, Columbus, 10 a.m.**

Subodh Chandra news conference on Ohio election laws, ProgressOhio, 35 E. Gay Street, Suite 404, Columbus, 1 p.m.

### Wednesday, September 21




Sen. Lou Gentile (D-Steubenville) fundraiser, Tony's, 16 W. Beck St., Columbus, 5:30 p.m., (\$2,500 - Platinum Sponsor, \$1,000 - Gold Sponsor or \$500 to Friends of Lou Gentile)

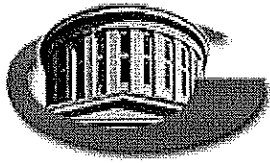
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**GONGWER** Ohio  
The Record of Capitol Square Since 1906

## House Activity for Tuesday, August 2, 2016

### ADOPTED


H.R. 472. Relative to the appointment of Derek Merrin in the 47th House District. VOTE: 58-0 (Republicans only)

H.R. 473. Relative to the appointment of Theresa Gavarone in the 3rd House District. VOTE: 55-0 (Republicans only)

17 S. High St., Suite 630  
Columbus Ohio 43215

**Phone:** 614-221-1992 | **Fax:** 614-221-7844 | **Email:** [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

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Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

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**Ohio Report, Friday, August 5, 2016**

1 message

**Gongwer News Service** <gongwerreports@gongwer-oh.com>

Fri, Aug 5, 2016 at 6:19 PM

To: sml@sarahlatourette.com

**GONGWER** Ohio  
The Record of Capitol Square Since 1906**Ohio Report for Friday, August 5, 2016**

Trump Staffs Up In Ohio; RNC Hires New Ohio Spokesman

Stakeholders Anxious For Resolution To Gifted Student Standards As ODE Prepares To Release New Draft Language

Labor Leaders Reiterate Support For Strickland After Several Unions Back Portman

Website Launched For Medical Marijuana Program As Agencies Prepare For Rulemaking Process

State Lawmakers, Staff Gear Up For NCSL'S Annual Conference Next Week

Innovation Ohio Recommends Smaller Class Sizes, Student Supports As New Youngstown CEO Crafts Strategic Plan

Agency Briefs: U.S. Adds 255,000 Jobs In July; Ag Announces Settlement Over Generic Drug; Auditor; OhioLINK; DSA; ODNR; DRO

Ohio Business: Presidential Politics Influences Scripps Earnings; Forest City, Andersons, Cooper Tire, Others Post Quarterly Results

Supplemental Agency Calendar

Supplemental Event Planner

**Calendars**

Day Planner

Event Planner

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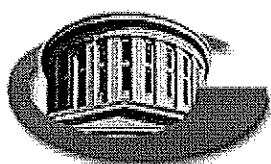
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## GONGWER Ohio

The Record of Capitol Square Since 1906

### Volume #85, Report #151 -- Friday, August 5, 2016

#### Trump Staffs Up In Ohio; RNC Hires New Ohio Spokesman

With about three months out from Election Day, the Trump campaign on Thursday announced a slate of new hires that mark the campaign's most significant personnel investment yet in the swing state.

But with Hillary Clinton's campaign having already staffed up and been laying groundwork for months in the critical state, are the latest hires enough for Donald Trump to play catch up?

Republican National Committee spokesman Ryan Shucard said the group is expecting a "big win" in Ohio thanks to existing groundwork.

"The Republican National Committee has been on the ground in Ohio since 2013 with permanent leadership and field staff unlike the chronically scandal plagued Clinton campaign that is late to the game here," Mr. Shucard said.

Trump's campaign itself, though, hasn't opened any offices in the state - although volunteers opened an unofficial office in southwest Ohio early this week. Leading Ohio Republicans previously indicated the Trump campaign seemed to be prepared to rely more on the Ohio Republican Party's infrastructure than previous presidential efforts. (See [Gongwer Ohio Report, July 22, 2016](#))

The Clinton campaign in contrast brought its state director, Cincinnati native Chris Wyant, on board in May along with other senior staffers. In subsequent months, Hillary for Ohio has already established 12 organizing offices in Ohio - including in Columbus, Cincinnati and Cleveland - with more expected in the coming weeks.

Over the weekend, the campaign will host a "weekend of action" in which volunteers comb Ohio neighborhoods in several cities to knock on doors and register voters. And next week, Clinton volunteers are scheduled to open local offices in nine other communities in areas including Athens, Chillicothe and Grove City.

Trump State Director Bob Paduchik said in a statement the new staff forms "an all-star team that is building out our campaign's ground game in every corner of the state."

Mr. Trump's new hires include:

- Deputy State Director Rob Scott, who was state director for the Trump campaign during the primary process. He is an attorney and vice mayor of Kettering.
- Seth Unger, a former senior policy advisor and communications director for State [Treasurer Josh Mandel](#), as communications director.
- John Roscoe as director of coordinated campaigns for Trump Pence Victory and the Ohio Republican Party. Mr. Roscoe was manager of Mr. Mandel's 2014 re-election effort and was deputy state director for Mitt Romney's 2012 presidential campaign in Ohio.

- Clayton Henson will serve as the director of coalitions for the Trump Pence Victory campaign. Mr. Henson has worked for Ohio Secretary of State Jon Husted and was involved in the secretary's 2014 re-election campaign.

It's unclear exactly how many - if any - staffers the Trump campaign has had on the ground in Ohio up to this point other than Mr. Paduchik, who took that post in June. (See Gongwer Ohio Report, June 24, 2016)

Mr. Unger couldn't be reached for comment prior to deadline.

**RNC:** Mr. Shucard began working this week as the RNC's new spokesman in Ohio. He was previously a communications staffer U.S. Rep. Scott Tipton (R-Colo.) and U.S. Rep. Tom Marino (R-Penn.).

He replaces former RNC Ohio press secretary Fred Brown who in July took a job with the Republican Jewish Coalition.

**Polls:** Shadowed by recent controversies, Donald Trump continued to fall in recent polls nationally and in some states this week. (See Gongwer Ohio Report, August 1, 2016)

A July 29-Aug. 2 poll from Franklin and Marshall showed Mr. Trump down 11 points (49-38%) in the battleground state of Pennsylvania and a July 29-Aug. 1 WBUR/MassINC poll of New Hampshire found Ms. Clinton up by 17 points (51-34%). That's bad news for key states in which Republicans senators are fighting for reelection - Sens. Pat Toomey and Kelly Ayotte respectively.

This week, Mr. Trump was second to Ms. Clinton in four national polls, including: a July 31-Aug. 3 NBC News/Wall Street Journal poll (47-38%), a July 31-Aug. 2 Fox News poll (49-39%), an Aug. 1-3 McClatchy/Marist poll (48-33%), and a July 30-Aug. 3 Reuters/Ipsos poll (43-39%).

The pair did tie at 45% in a July 29-Aug 4 LA Times/USC poll.

Other polls in recent days have shown that traditionally Republican states like Arizona and Georgia could now be in play for Ms. Clinton.

Ms. Clinton, meanwhile, picked up an endorsement from political independent and former CIA Director Michael Morell, who criticized Mr. Trump in a New York Times op-ed.

"...The character traits he has exhibited during the primary season suggest he would be a poor, even dangerous, commander in chief," Mr. Morell wrote. "These traits include his obvious need for self-aggrandizement, his overreaction to perceived slights, his tendency to make decisions based on intuition, his refusal to change his views based on new information, his routine carelessness with the facts, his unwillingness to listen to others and his lack of respect for the rule of law."

**Advisers:** Mr. Trump on Friday announced the 13 men that compose his economic advisory council, which is comprised mostly of Wall Street figures and finance industry executives.

"I am pleased that we have such a formidable group of experienced and talented individuals that will work with me to implement real solutions for the economic issues facing our country," Mr. Trump said in a statement. "For too long we have watched as President Obama and Hillary Clinton have ruined our economy and decimated the middle class. I am going to be the greatest jobs president our country has ever seen."

Stakeholders Anxious For Resolution To Gifted Student Standards As ODE Prepares To Release New Draft Language

When the Ohio Department of Education releases a new draft of gifted education standards in the coming weeks, stakeholders hope it's a significant step forward in a process that's labored on for nearly three years.

ODE is expected this month to release a draft rule guiding gifted student identification and learning - the latest in a series of proposals that have been put forward since 2013 as the State Board of Education and education advocates debate what it should entail.

Ann Sheldon, executive director of the Ohio Association for Gifted Children, said she's hoping this draft will include compromises that can bring the parties a step closer to the end of the rule-making process.

"Honestly, this process has been so long and drawn out, it's just really been remarkable," she said in an interview. "I think this will be the third or fourth rule revision and we've just never had this experience before."

When the rule came up for a five-year review in 2013, the state board's Achievement Committee worked on updates, but they were couched until last fall when a new draft was introduced. The proposal that largely eliminates previous rule language in favor of local control has since been creating controversy and earned a semi-permanent spot of the board's monthly agenda.

While school leaders have pushed for flexibility in the standards, citing funding and capacity concerns, OAGC has continuously asked the state to set requirements for gifted student identification, services offered and teachers. (See Gongwer Ohio Report, March 8, 2016)

"There are just some deep-seeded differences in policy about where we want to go in the state with regard to gifted children and where we want to land in terms of do we want quality education opportunities for children or do we want just local control for districts and the state to wash their hands of accountability," Ms. Sheldon said.

The number of students who are being identified as gifted and the staff who provide them services have continued to decrease since 2009, according to an OAGC fact sheet that was presented to the state board earlier this year.

Ms. Sheldon said the best way to ensure students are being identified would be to require grade-wide testing to eliminate bias and also set minimums for how many students a gifted teacher can take on.

The group is also advocating for training and continuing education opportunities for gifted teachers and transparency in reporting what type of services a school provides and how much is being spent.

"I guess what we're hoping for (out of the latest draft) is we get back some of the original language we already have in current standards, but definitely we need to add some quality definitions about what gifted services means. It can't just mean whatever districts say they want it to be," Ms. Sheldon said.

She said although she's hopeful the newest draft will be more palatable, there will likely still be areas in need of improvement.

ODE seems to be even more optimistic, however. Earlier this month, ODE staff told the board's Achievement Committee that draft recommendations will be ready and posted for public comment in August and members could vote to accept them at the September meeting.

The goal is to have the rules approved by the full board before the end of the year, said Sue Zake, director of ODE's Office For Exceptional Children.

In addition to meeting regularly with the advocacy groups like OAGC and inviting monthly testimony at state board meetings, she told the committee that the agency reviewed more than 4,000 survey responses to the draft rules and will be incorporating that feedback in the new version.

"The intent behind this is to be able to lay a foundation for moving us forward for better understanding and serving children who are identified as gifted," Ms. Zake said.

Some of the "common areas of agreement," she said, are whole-grade screening for giftedness as well as getting parents more involved in gifted student written education plans.

"The other piece I think I would add is that we heard pretty consistently that (students) should be guided by individuals with expertise and training in gifted education," Ms. Zake said.

A number of commenters, she said, also suggested earmarking gifted funds to ensure they're being spent on services for identified students and incentivizing districts for providing quality services.

### Labor Leaders Reiterate Support For Strickland After Several Unions Back Portman

Recent endorsements of Sen. Rob Portman from union groups have shaken up the race for his seat in the U.S. Senate, but some state labor leaders stressed Friday that they continue to support former Democratic Gov. Ted Strickland.

The Terrace Park Republican has gained the support of a number of union organizations, including the United Mine Workers of America, the Ohio Conference of Teamsters, the Fraternal Order of Police and the International Union of Operating Engineers Local 18. (See [Gongwer Ohio Report, July 26, 2016](#))

With the developments garnering significant media attention in recent days, the Ohio AFL-CIO and other labor leaders held a press conference in Columbus Friday to reiterate their support for Gov. Strickland.

"When you look at the issues that matter most, it's a clear choice that Ted Strickland should be in the U.S. Senate representing Ohio," said Tim Burga, president of the Ohio AFL-CIO.

Mr. Burga and others focused on issues of trade, support for public education and the minimum wage. Gov. Strickland has a history of supporting raising the minimum wage, he said.

"Rob Portman has not been where we need him to be on wage law for Ohioans," he said.

Portman campaign spokeswoman Michawn Rich said the senator supports raising the minimum wage and voted for an amendment offered by Vermont Sen. Bernie Sanders last year to establish a reserve fund for a substantial increase in the minimum wage. Sen. Portman voted against a 2014 bill to raise the minimum wage because researchers said it would cost 22,000 Ohioans their jobs, she said.

"While Ted claims he supports raising the minimum wage, when he was governor and in charge of Ohio's economy, he did nothing to fight for the \$12 minimum wage he supports now," she said in an email. "Rob supports raising the minimum wage and indexing it to inflation."

On trade, the union leaders targeted Sen. Portman's past support of trade deals such as NAFTA and CAFTA, saying they sent jobs away from Ohio. In Congress, Gov. Strickland opposed the deals, they said.

"We are impacted directly by these trade deals and have been for some time," said Dave Caldwell, assistant director for United Steelworkers District 1.

Mr. Caldwell also said Gov. Strickland, when he was in Congress and when he was governor, was always working closely with the union to help when factories closed.

Sen. Portman has expressed his opposition to the Trans-Pacific Partnership, citing concerns that China would manipulate markets and hurt American employers.

The Portman campaign also announced a new ad that will air during the Olympics starting Friday night. The ad, which features Sen. Portman in a factory, focuses on the competitiveness of U.S. workers compared to China.

"Nobody can compete with the United States of America when we are given a fair shot," Sen. Portman says in the ad. "No country can outwork us, out-innovate us, or outperform us. That's why China and other countries have to cheat to steal Ohio's manufacturing jobs"



Some unions who have backed Sen. Portman, including the Teamsters, cited his support for legislation that would help them shore up their pension funds. He introduced legislation last year that would give beneficiaries more of a say in the reduction of their pensions.

Mr. Burga said pension reform is vital, encouraging all lawmakers to help secure pension plans, but he said Republicans in Congress have failed to do so.

"Republicans have had the majority in the House and Senate and they haven't gotten these pension bills fixed yet," he said.

Mr. Burga said many union organizations in the state continue to support Gov. Strickland because they've seen support from him for years.

"Their support is with Ted Strickland because Ted Strickland has been with us while in Congress, as the governor and as a private citizen," he said.

### Website Launched For Medical Marijuana Program As Agencies Prepare For Rulemaking Process

The three agencies tasked with running Ohio's medical marijuana program have launched a website to serve as a clearinghouse for information on the program.

Legislation ([HB 523](#)) passed in May placed different aspects of the medical marijuana program under the State Board of Pharmacy, the State Medical Board and the Department of Commerce.

The three agencies jointly launched the [website](#) this week featuring updates and frequently asked questions about the bill, which goes into effect Sept. 8 and will be operational within two years.

Rules for the medical marijuana program are expected to be developed next year by the three agencies in concert with a Medical Marijuana Advisory Committee.

State Medical Board spokeswoman Tessie Pollock said in an email that the board is putting together a team of staff to research and discuss rules. The board will focus on rules regarding doctors who recommend marijuana to patients. The board hasn't hired any new staff members specifically for the program, she said.

The Department of Commerce posted two positions, one for a deputy director and one for a program administrator, to focus on the medical marijuana program, spokeswoman Kerry Francis said. The department is working on developing rules for growers, processors and testing labs to be adopted next year.

The new website also includes guidance on how to help people who are struggling with addiction, linking to [Gov. John Kasich's Start Talking](#) program encouraging conversations about drug abuse with children.

The Bureau of Workers' Compensation also issued [guidance](#) for employers about how to deal with medical marijuana when it becomes legal. The BWC encouraged employers to create drug-free workplace policies ahead of the law's implementation.

### State Lawmakers, Staff Gear Up For NCSL'S Annual Conference Next Week

Ohio officials will get a look at other states' programs and hear about ongoing efforts to strengthen federalism next week at the National Conference of State Legislatures' annual conference in Chicago.

Several lawmakers and key staff members from the four caucuses plan to attend the event, which has regained some popularity in recent years as the House and Senate loosened up spending restrictions imposed during the Great Recession.

Attendees can get up to about \$800 in cost reimbursements for the convention, which offers several sessions on various policy topics and a chance to hear national speakers and gather feedback from legislative officials in

other states.

"The NCSL Legislative Summit is a great opportunity for staff and members to discuss legislative topics on a national, even global, scale with the goal of bringing what they learn back to the Ohio House," said Carolyn Best, spokeswoman for Speaker Cliff Rosenberger (R-Clarksville).

"It is an event that joins together federal and state officials, as well as staff, in order to address issues in a bipartisan manner and in coordination with policy experts from around the nation. Even though just a small group from our caucus is attending, they look forward to gaining ideas and developing solutions in response to issues important to Ohioans, as well as sharing the insights they learn with their colleagues."

NCSL said about 5,000 state lawmakers, legislative staff, federal officials and others are expected at the legislative summit, which runs Monday-Thursday at McCormick Place downtown.

More than 100 sessions are scheduled and they cover topics ranging from the criminal justice system to education, health care to taxes, technology to transportation, the conference reported. Some of the more popular sessions will cover police body cameras, marijuana legalization and poverty reduction efforts.

Eight of the sessions will be live streamed online. They are:

- Protecting Legislative Data-Wherever It Is, Monday, Aug. 8, 1:30 p.m.-3 p.m. eastern time.
- Medicaid Innovations, Tuesday, Aug. 9, 8:00 a.m.-9:15 a.m.
- No Time to Lose: How to Build a World-Class Education System State by State, Tuesday, Aug. 9, 9:45 a.m.-11:15 p.m.
- Second Chances: Public and Private Approaches to Offender Reentry, Tuesday, Aug. 9, 2:30 p.m.-4 p.m.
- Crystal Clear? State Efforts to Improve Water Planning, Wednesday, Aug. 10, 8:15 a.m.-9:30 a.m.
- Building a Strong Workforce - The Role and Importance of Community Colleges, Wednesday, Aug. 10, 1:45 p.m.-3:15 p.m.
- Cybersecurity Showdown - Challenges and Strategies for States, Thursday, Aug. 11, 8:30 a.m.-9:30 a.m.
- The Electric Grid Revolution and the Clean Power Plan, Thursday, Aug. 11, 9:45 a.m.-11 p.m.

Speakers will include Ted Koppel, an author and longtime journalist with ABC News, Jeanine Pirro, a legal analyst and host on Fox News, Lyndon Rive, the co-founder and CEO of Solar City, Hugh Acheson, a chef and judge on Top Chef, Julia Stasch, the president of the John D. and MacArthur Foundation and Melinda Gates, of the Bill and Melinda Gates Foundation.

"Chicago is proud to once again host this tremendous opportunity to exchange ideas and information as we learn from each other's unique experiences in addressing issues state governments face across our country," Chicago Senate President John Cullerton (D-6th District) said in a statement.

Assistant Illinois Senate Republican Leader Bill Brady (R-44th District) said the gathering is "a valuable resource to legislators and staff."

"The annual meeting provides a tremendous opportunity for bipartisan networking," he said. "But even more importantly, it is a forum for the membership to come together to share ideas, discuss common issues and potential solutions. It is an opportunity that fosters good public policy."

About 25 lawmakers and top caucus staffers are expected to represent Ohio at the event.

Legislators scheduled to attend include Speaker Rosenberger, Sens. Troy Balderson (R-Zanesville), Bill Beagle (R-Tipp City), Bill Coley (R-Liberty Twp.), Gayle Manning (R-N. Ridgeville), Sandra Williams (D-Cleveland), and Reps. Tom Brinkman (R-Cincinnati), Sean O'Brien (D-Brookfield) and Stephanie Howse (D-Cleveland).

Sen. Peggy Lehner (R-Kettering) will also be in Chicago during the event to attend two ancillary meetings on education, including a commission she serves on dealing with early childhood learning.

### Innovation Ohio Recommends Smaller Class Sizes, Student Supports As New Youngstown CEO Crafts Strategic Plan

Required public input on a strategic plan for the new Youngstown City Schools CEO-led system is rolling in.

CEO Krish Mohip, a former Chicago public school teacher, principal and superintendent, spent his first month on the job hosting stakeholder meetings in advance of a Sept. 6 strategic plan proposal that's due by Sept. 6 to the district's Academic Distress Commission.

A Columbus-based Democratic think tank is weighing in as well. Earlier this week, Innovation Ohio published recommendations for improving the failing Youngstown schools that it would like to see included in the strategic plan.

Although the group continues to be opposed to how the so-called Youngstown Plan came to exist through a rushed amendment to an otherwise non-controversial education measure (HB 70), "there remains an opportunity to do good things for the Youngstown community," according to the report.

Innovation Ohio recommends Youngstown integrate social and health services into the schools, harkening to the thrust of the original legislation that sought to provide a framework for districts that were interested in modeling their operations after the highly successful Oyster School in Cincinnati.

Reducing class size, increasing quality pre-school opportunities and reducing out-of-school suspensions and expulsions were also among the group's recommendations. It warned against moving toward a charter school structure.

"This report is intended to give the CEO and citizens the tools to proceed using evidence, rather than ideology, to improve the lives of children," said Innovation Ohio Education Policy Fellow Steve Dyer. "While it is extremely problematic the way the plan was forced upon the citizens of Youngstown, if the CEO and Commission follow the evidence, it's possible positive changes can happen for the city's children."

Mr. Mohip told the *Youngstown Vindicator* that the plan put forward by Innovation Ohio "resonates" with him.

In meetings with the Academic Distress Commissions and city school board - which now serves in an advisory capacity - as well as interviews with various local news outlets, he said his focus is on getting students to school and keeping them there.

He's said he'd like to see a 98% attendance rate on the first day of classes later this month and the expectation shouldn't be that students can simply take summer classes if they fail during the school year.

Adding to the number of student groups and sports available could also help to keep students engaged, Mr. Mohip has said, according to various reports.

Earlier this week, he appointed a new chief academic officer, who will oversee curriculum. Tyrone Olverson, who was the ADC's second choice for CEO, was set to begin work immediately.

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